THE MEMPHIS DAILY APPEAL.

BY JOHN S. C. HOGAN & CO. MEMPHIS, TENN., TUESDAY, FEBRUARY 5, 1867. VOLUME XVII.—NUMBER 76

MASONIC DIRECTORY.

HEBREW AND MASONIC CALENDAR.

A.·. M.·. 5627.

1 Tisri, 10th September	1866
1 Kheswan, 10th October,	"
1 Chisleu, 9th November,	"
1 Tebeth, 9th December,	"
1 Shebat, 7th January,	1867
1 Adar, 6th February,	"
1 Veadar, 8th March,	"
1 Nisan, 6th April,	"
1 Iar, 8th May,	"
1 Sivan, 4th June,	"
1 Thamuz, 4th July,	"
1 Ab, 3d August,	"
1 Elul, 1st September,	"

Ash Wednesday, 28th February,	1867
Maunday Thursday, 4th April,	"
Good Friday 10th April,	"
Easter Sunda,, 12th April,	"
Ascension, 21st May,	"
Pentecost, 31st May,	"
Saint Andrew's Day, 30th November in each year.	jal2 1f

MASONIC DIRECTORY.

1867.

LODGES.

ANCIENT, No. 168. Meets 1st Monday in every month, at Odd-Fellows' Hall, cor. Court and Main. Jr. C. Trader, W. M.; H. T. Tomlinson, Sec.

SOUTH MEMPHIS, No. 118. Meets 2d Friday of each month—Hall, cor. Madison and Second. J. T. Sellars, W. M.; Benj. K. Pullen, Sec.

LEILA SCOTT, No. 289. Meets 1st Friday of each month—Hall, cor. Madison and Second. John Alsaile, W. M.; H. P. Woodward, Sec.

HAMILTON, No. 299. Meets 3d Friday of each month—Odd-Fellows' Hall. P. M. Stanley, W. M.; W. H. Butts, Sec.

KILWINNING, No. 341 (U. D.) Meets 4th Friday of each month—201 Front street. John J. Worsham, 33°, W. M.; B. K. Pullen, 32d, Sec.

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PAN'S Chapter, No. 4. Meets 2d Monday of each month—Odd-Fellows' Hall. A. J. Wheeler, H. P.; H. H. Paynter, Sec.

R. AND S. M.

EUREKA Council, No. 6. Meets 1st Monday of each month—Odd-Fellows' Hall. John Zent, Th. Ill.; N. J. Wiggin, Rec.

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HERMES Lodge of Perfection, 14th; No. 1. Meets 4th Wednesday each month. John Zent, 33d, G. M.; H. T. Tomlinson, 32d, Sec.

MYSTASIAN Lodge of Perfection, 14th; No. 2. Meets 4th Wednesday of each month. George Mellersh, 32d, G. M.; A. E. Frankland, 32d, Sec.

CASPIRIAN Council of Princes of Jerusalem, 16th; No. 1. Benj. K. Pullen, 32d, Tarsh.; —, Sec.

CALVARY Chapter of Rose Croix, 18th; No. 1. Charles W. Adams, 32d, M.·. W.·.; H. T. Tomlinson, 32, Sec.

PHILIPPE DUPLESSEIS Council of K.·.H.·., 30th; No. 1. Henry P. Woodard, 32d, Comm.·.; William Y. Citron, 32d, Rec.·.

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jan29

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The business of the firm will be settled by W. H. Eastland, who has associated with him Mr. Lewis R. Gilbert, and will continue the business under the firm name and style of Eastland & Gilbert, at the old stand, 298 Main street.

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ILLEGALITY OF MILITARY COMMISSIONS TO TRY CIVILIANS.

DECISION IN THE INDIANA CONSPIRACY CASES.

OFFICIAL REPORT.

Supreme Court of the United States.

No. 24—DECEMBER TERM, 1865.

Ex parte in matter of Lambdin P. Milligan, petitioner. On a certificate of division of opinion between the judges of the Circuit Court of the United States for the District of Indiana.

Mr. Justice Davis delivered the opinion of the court.

On the 10th day of May, 1865, Lambdin P. Milligan presented a petition to the circuit court of the United States for the District of Indiana to be discharged from an alleged unlawful imprisonment. The case made by the petition is this: Milligan is a citizen of the United States; has lived for twenty years in Indiana, and at the time of the grievances complained of was not, and never had been, in the military or naval service of the United States. On the 5th day of October, 1864, while at home, he was arrested by order of Gen. Alvin P. Hovey, commanding the military district of Indiana, and has ever since been kept in close confinement.

On the 21st day of October, 1864, he was brought before a military commission, convened at Indianapolis by order of Gen. Hovey, tried on certain charges and specifications, found guilty, and sentenced to be hanged, and the sentence ordered to be executed on Friday the 19th day of May, 1865.

On the 2d day of January, 1865, after the proceedings of the military commission were at an end, the circuit court of the United States for Indiana met at Indianapolis and empanneled a grand jury, who were charged to inquire whether the laws of the United States had been violated, and if so, to make presentments. The court adjourned on the 27th day of January, and prior thereto discharged from further service the grand jury, who did not find any bill of indictment or make any presentment against Milligan for any offense whatever, and, in fact, since his imprisonment no bill of indictment has been found or presentment made against him by any grand jury of the United States.

Milligan insists that said military commission had no jurisdiction to try him upon the charges preferred, or upon any charges whatever; because he was a citizen of the United States and the State of Indiana, and had not been, since the commencement of the late rebellion, a resident of any of the States whose citizens were arrayed against the government, and that the right of trial by jury was guaranteed to him by the constitution of the United States.

The prayer of the petition, was, that under the act of congress, approved March 3, 1863, entitled "An act relating to habeas corpus and regulating judicial proceedings in certain cases," he may be brought before the court, and either turned over to the proper civil tribunal to be proceeded against according to the law of the land, or discharged from custody altogether.

With the petition were filed the order for the commission, the charges and specifications, the findings of the court, with the order of the war department, reciting that the sentence was approved by the president of the United States, and directing that it be carried into execution without delay. The petition was presented and filed in open court by the counsel for Milligan; at the same time the district attorney of the United States for Indiana appeared, and, by the agreement of counsel, the application was submitted to the court. The opinions of the judge of the circuit court were opposed on three questions which are certified to the supreme court:

1. "On the facts stated in said petition and exhibits, ought a writ of habeas corpus to be issued?"

2. "On the facts stated in said petition and exhibits, ought the said Lambdin P. Milligan to be discharged from custody, as in said petition prayed?"

3. "Whether, upon the facts stated in said petition and exhibits, the military commission mentioned herein had jurisdiction legally to try and sentence said Milligan, in manner and form as in said petition and exhibits is stated?"

The importance of the main question presented by this record cannot be overstated; for it involves the very framework of the government and fundamental principles of American liberty.

During the late wicked rebellion the temper of the times did not allow that calmness in deliberation and discussion so necessary to a correct conclusion of a purely judicial question. *Then* considerations of safety were mingled with the exercise of power, and feelings and interests prevailed which are happily terminated. *Now* that the public safety is assured, this question, as well as all others, can be discussed and decided without passion or the admixture of any element not required to form a legal judgment. We approach the investigation of this case, fully sensible of the magnitude of the inquiry and the necessity of full and cautious deliberation. But we are met with a preliminary objection. It is insisted that the circuit court of Indiana had no authority to certify these questions, and that we are without jurisdiction to hear and determine them. The sixth section of the "Act to amend the judicial system of the United States," approved April 29, 1802, provides "that whenever any question shall occur before a circuit court upon which the opinions of the judges shall be opposed, the point upon which the disagreement shall happen, shall, during the same term, upon the request of either party (or their counsel, be stated under the direction of the judges and certified under the seal of the court to the supreme court at their next session to be held thereafter, and shall by the said court be finally decided; and the decision of the supreme court and their order in the premises shall be remitted to the circuit court and be there entered of record, and shall have effect according to the nature of the said judgment and order: *Provided*, That nothing herein contained shall prevent the cause from proceeding, if, in the opinion of the court, further proceedings can be had without prejudice to the merits."

It is under this provision of law that a circuit court has authority to certify any question to the supreme court for adjudication. The inquiry, therefore, is, whether the case of Milligan is brought within its terms. It was admitted at the bar that the circuit court had jurisdiction to entertain the application for the writ of habeas corpus and to hear and determine it; and it could not be denied; for the power is expressly given in the fourteenth section of the judiciary act of 1789, as well as in the later act of 1863. Chief Justice Marshall, in Bollman's case, and Cranch, J. construed this branch of the judiciary act to authorize the court as well as the judges to issue the writ for the purpose of inquiring into the cause of the commitment; and this construction has never been departed from. But it is maintained with earnestness and ability that a certificate of division of opinion can occur only in a *cause*; and that the proceeding by a party moving for writ of habeas corpus does not become a cause *until after the writ has been issued and a return made.*

Independently of the provisions of the act of congress of March 3, 1863, relating to habeas corpus, on which the petitioner bases his claim for relief, and which we will presently consider, can this position be sustained?

It is true that it is usual for a court, on application for a writ of habeas corpus, to issue the writ, and on the return to dispose of the case; but the court can elect to waive the issuing of the writ and consider whether, upon the facts presented in the petition, the prisoner, if brought before it, could be discharged. One of the very points on which the case of Tobias Watkins, reported in 3 Peters, turned was, whether, if the writ was issued, the petitioner would be remanded upon the case which he had made.

The chief justice in delivering the opinion of the court, said: "The cause of imprisonment is shown as fully by the petitioner as it could appear on the return of the writ; consequently the writ ought not to be awarded if the court is satisfied that the prisoner would be remanded to prison."

The judges of the circuit court of Indiana were therefore warranted by unanimous decision of this court in refusing the writ, if satisfied, that the prisoner on his own showing was rightfully detained; but, it is contended, if they differed about the lawfulness of the imprisonment, and could render no judgment, the prisoner is remediless, and cannot have the disputed question certified under the act of 1802. His remedy is complete by writ of error or appeal, if the court renders a final judgment refusing to discharge him; but if he should be so unfortunate as to be confined in the predicament of having the court divided on the question whether he should live or die, he is hopeless and without remedy. He wishes the vital question settled, not by a single judge at his chambers, but by the highest tribunal known to the constitution; and yet the privilege is denied him because the circuit court consists of two judges instead of one. Such a result was not in the contemplation of the legislature of 1802, and the language used by it cannot be construed to mean any such thing. The clause under consideration was introduced to further the ends of justice by obtaining a speedy settlement of important questions where the judges might be opposed in opinion.

The act of 1802 so changed the judicial system that the circuit court, instead of three, was composed of two judges; and without this provision, or a kindred one, if the judges differed, the difference would remain, the question be unsettled, and justice denied. The decisions of this court upon the provisions of this section have been numerous. In United States vs. Daniel (6 Wheaton) the court, in holding that a division of the judges on a motion for a new trial could not be certified, say: "That the question must be one which arises in a cause depending before the court relative to a proceeding belonging to the cause." Testing Milligan's case by this rule of law, is it not evident that the "cause" was pending before the court, and that the questions certified, arose out of it, belonged to it, and were matters of right and not of discretion.

But it is argued that the proceedings does not ripen into a cause until there are two parties to it. This we deny. If this was the cause of Milligan when the petition was presented to the circuit court. It would have been the cause of both parties, if the court had issued the writ and brought those who held Milligan in custody before it. Webster defines the word "cause" thus: "A suit or action in court; any legal process which a party institutes to obtain his demand, or by which he seeks his right, or supposed right"—and he says, "this is a legal, scriptural, and popular use of the word, coinciding nearly with cause from *cudo*, and action from *ago*, to urge and drive." In any legal sense, action, suit, and cause are convertible terms. Milligan supposed he had a right to test the validity of his trial and sentence; and the proceeding which he set in operation for that purpose was his "cause or suit." It was the only one by which he could recover his liberty. He was powerless to do more; he could neither instruct the judges nor control their action, and should not suffer, because, without fault on his part, they were unable to render a judgment. But the true meaning to the term "suit" has been given by this court. One of the questions in Western vs. City Council of Charleston (2 Peters) was, whether a writ of prohibition was a suit; and Chief Justice Marshall says: "The term is certainly a comprehensive one, and is understood to apply to any proceeding in a court of justice by which an individual pursues that remedy which the law affords him." Certainly Milligan pursued the only remedy which the law afforded him.

Again, in Cohens vs. Virginia, (6 Wheaton), he says: "In law language a suit is the prosecution of some demand in a court of justice." Also, "to commence a suit is to demand something by the institution of process in a court of justice; and to prosecute the suit is to continue that demand." When Milligan demanded his release by the proceeding relating to habeas corpus and commenced the suit, he has since prosecuted it in all the ways known to the law. One of the questions in Holmes vs. Jennison, (14 Peters), was, whether under the twenty-fifth section of the judiciary act, a proceeding for a writ of habeas corpus was a "suit." Chief Justice Taney held that, "if a party is unlawfully imprisoned, the writ of habeas corpus is his appropriate legal remedy: It is his suit in court to recover his liberty." There was much diversity of opinion on another question in this case, but on this, that in the sense of the twenty-fifth section of the judiciary act, the proceeding by habeas corpus was a suit, was not controverted by any except Baldwin, Justice, and he thought that "suit" and "cause," as used in the section, meant the same thing.

The court do not say that a return must be made, and the parties appear and begin to try the case before it is a suit. When the petition is filed and the writ prayed for, it is a *suit*—the suit of the party making the application. If it is a suit under the 25th section of the judiciary act, when the proceedings are begun, it is, by all the analogies of the law, equally a suit under the 6th section of the act of 1802.

But is argued that there must be *two* parties to the suit, because the point is to be stated upon the request of "either party or their counsel." Such a literal and technical construction would defeat the very purpose the legislature had in view, which was to enable any party to bring the case here, when the point in controversy was a matter of law and not of discretion; and the words "either party," in order to prevent a failure of justice, must be construed as words of *enlargement*, and not of *restriction*. Although this case is here *ex parte*, it was not considered by the court below without notice having been given to the party supposed to have an interest in the detention of the prisoner. The statements of the record show that this is not only a fair, but conclusive inference. When the counsel of Milligan presented to the court the petition for the writ, the district attorney of Indiana, Mr. Hanna, appeared and, by agreement, the application was submitted to the court, who took the case under advisement, and on the next day announced their inability to agree, and made the certificate. If is true, that Mr. Hanna did not represent the petitioner, and why is his appearance entered? It admits of no other solution than this—that he was informed of the application, and appeared on behalf of the government to contest it. The government was the prosecutor of Milligan, who claimed that his imprisonment was illegal, and sought, in the only way he could, to recover his liberty. The case was a grave one; the court, unquestionably, directed that the law officer of the government should be informed of it. He very properly appeared and defended. The facts were uncontroverted, and the difficulty was in the application of the law, there was no useful purpose to be obtained in issuing the writ. The cause was, therefore, submitted to the court for their consideration and decision. But Milligan claimed his discharge from custody by virtue of the act of Congress "relating to habeas corpus, and regulating judicial proceedings in certain cases," approved March 3, 1863. Did that act confer jurisdiction on the circuit court of Indiana to hear this case? In interpreting the law the motives which must have operated with the legislature in passing it are proper to be considered. This law was passed in a time of great national peril, when our heritage of free government was in danger. An armed rebellion against the national authority, of greater proportions than history affords an example, was raging; and the public safety required that the privilege of the writ of habeas corpus should be suspended. The president had practically suspended it, and detained suspected persons in custody without trial; but his authority to do this was questioned. It was claimed that congress alone could exercise this power, and that the legislature, and not the president, should judge of the political considerations on which the right to suspend it rested. The privilege of this great writ had never before been withheld from the citizen; and, as the exigence of the times demanded it to be suspended section, it was of the highest importance that the lawfulness of the suspension should be fully established. It was under these circumstances, which were such as to arrest the attention of the country, that this law was passed. The president was authorized by it to suspend the privilege of the writ of habeas corpus whenever in his judgment the public safety required; and he did, by proclamation bearing date the 15th of September, 1863, reciting among other things the authority of this statute, suspend it. The suspension of the writ does not authorize the arrest of any one, but simply denies to one arrested the privilege of this writ in order to obtain his liberty.

It is proper, therefore, to inquire under what circumstances the court could rightfully refuse to grant this writ, and when the citizen was at liberty to invoke its aid.

The second and third sections of the law are explicit on these points. The language used is plain and direct, and the meaning of the congress cannot be mistaken. The public safety demanded, if the president saw proper to arrest a suspected person, that he should not be required to give the cause of his detention on return to a writ of habeas corpus. But it was not contemplated that such person should be detained in custody beyond a certain fixed period, unless certain judicial proceedings known to the common law were commenced against him. The secretaries of state and war were directed to furnish to the judges of the courts of the United States a list of the names of all parties, not prisoners of war, resident in their respective jurisdictions, who then were or afterwards should be held in custody by the authority of the president, and who were citizens of states in which the administration of the laws in the federal tribunals was unimpaired. After the list was furnished to the grand jury of the district convened and adjourned, and did not indict or present one of the persons thus named, he was entitled to his discharge; and it was the duty of the judge of the court to order him brought before him to be discharged, if he desired it. If the refusal or omission to furnish the list could not operate to the injury of any one who was not indicted or presented by the grand jury; for if twenty days had elapsed from the time of his arrest and the termination of the session of the grand jury, he was equally entitled to his discharge as if the list were furnished; and any credible person, on petition verified by affidavit, could obtain the judge's order for that purpose.

Milligan, in his application to be released from imprisonment, averred the existence of every fact necessary under the terms of this law to give the circuit court of Indiana jurisdiction. If he was detained in custody by the order of the president, otherwise than as a prisoner of war; if he was a citizen of Indiana, and had never been in the military or naval service, and the grand jury of the district had met, after he had been arrested, for twenty days, and then adjourned without taking any proceedings against him, *then* the court had the right to entertain his petition and determine the lawfulness of his imprisonment. Because the word "court" is not found in the body of the second section it was argued at the bar that the application should have been made to a judge of the court, and not to the court itself; but this is not so; for power is expressly conferred in the last proviso of the section on the court equally with a judge of it, to discharge a prisoner from imprisonment. It was the manifest design of congress to secure a certain remedy by which any one deprived of liberty could obtain it, if there was a judicial failure to find cause of offense against him. Courts are not always in session, and can adjourn on the discharge of the grand jury; and before those who are in confinement could take proper steps to procure their liberation. To provide for this contingency, authority was given to the judges out of court to grant relief to any party who could show that, under the law, he should no longer restrained of his liberty. It was insisted that Milligan's case was defective, because it did not state that the list was furnished to the judges, and, therefore, it was impossible to say under which section of the act it was presented. But it is easy to see how this omission could affect the question of jurisdiction. Milligan could not know that the list was furnished, unless the judges volunteered to tell him; for the law did not require that any record should be made of it, or by body but the judges informed of it. Why aver the fact, when the truth of the matter was apparent to the court without an averment? How can Milligan be harmed by the absence of the averment when he states that he was under arrest for more than sixty days before the court and grand jury, which should have considered his case, met at Indianapolis? It is apparent, therefore, that under the habeas corpus act of 1863 the circuit court of Indiana had complete jurisdiction to adjudicate upon this case, and if the judges could not agree upon questions vital to the progress of the cause they had the authority, as we have shown in a previous part of this opinion, and it was their duty to certify those questions of disagreement to this court for final decision. It was argued that a final decision on the questions presented ought not to be made, because the parties who were directly concerned in the arrest and detention of Milligan were not before the court, and their rights might be prejudiced by the answer which should be given to those questions. But this court cannot know what return will be made to the writ of habeas corpus when issued; and it is very clear that no one is included upon whom the writ may have to be issued but the person who makes the return. In the sense of the law of 1802, which authorized a certificate of division, a final decision means final upon the points certified; final upon the court below, so that it is stopped from any further rulings in the case subsequently pending before it. But it is insisted that the case is ended, as the presumption is that Milligan was hanged in pursuance of the order of the president. Although we have no judicial information on the subject, yet the inference is fair that he was alive; for otherwise counsel would not appear for him and urge the court to decide his case.

It can never be in this country of written constitution and laws, with a judicial department to interpret them, that any chief magistrate would be so forgetful of his duty as to order the execution of a man who denied the jurisdiction that tried and convicted him, *after* his case was before federal judges, with power to decide it, who, being unable to agree on the grave questions involved, had, according to known law, sent it to the supreme court of the United States for decision. But even the suggestion is injurious to the executive, and we dismiss it from further consideration. There is, therefore, nothing to hinder this court from an investigation of the merits of this controversy.

The controlling question in the case is this: Upon the *facts* stated in Milligan's petition, and the exhibits filed, had the military commission mentioned in it *jurisdiction* legally to try and sentence him? Milligan, not a resident of one of the rebellious states, or a prisoner of war, but a citizen of Indiana for twenty years past, and never in the military or naval service, is, while at his home, arrested by the military power of the United States, imprisoned, and, on certain criminal charges preferred against him, convicted, and sentenced to be hanged by a military commission organized under the direction of the military commander of the military district of Indiana. Had this tribunal the *legal* power and authority to try and punish this man? No graver question was ever considered by this court, nor one which more nearly concerns the rights of the whole people; for it is the birthright of every American citizen, when charged with crime, to be tried and punished according to law. The power of punishment is alone through the means which the laws have provided for that purpose, and if they are ineffectual there is an immunity from punishment, no matter how great an offender the individual may be, or how much his crimes may have shocked the sense of justice of the country or endangered its safety. By the protection of the law human rights are secured; withdraw that protection, and they are at the mercy of the wicked rulers or the clamor of an excited people. If there was law to justify this military trial, it is not only the very highest duty of the executive, if there was not, it is our duty to declare the nullity of the whole proceedings. The decision of this question does not depend on argument or judicial precedents, numerous and highly illustrative as they are. These precedents inform us of the extent of the struggle to preserve liberty and to relieve those in civil life from military trials. The founders of our government were familiar with the history of that struggle, and secured in a written constitution every right which the people had wrested from power during a contest of ages. By that constitution, and the laws authorized by it, this question must be determined. The provisions of that instrument on the administration of criminal justice are too plain and direct to leave room for misconstruction or doubt of their true meaning. Those applicable to this case are found in that clause of the original constitution which says, "that the trial of all crimes, except in case of impeachment, shall be by jury;" and in the fourth, fifth, and sixth articles of the amendments. The fourth proclaims the right to be secure in person and effects against unreasonable search and seizure; and directs that a judicial warrant shall not issue "without proof of probable cause supported by oath or affirmation." The fifth declares "that no person shall be held to answer for a capital or otherwise infamous crime unless on presentment or a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger, nor be deprived of life, liberty, or property without due process of law." And the sixth guarantees such regulations that with upright judges, impartial juries, and an able bar, the innocent will be saved and the guilty punished. It is these words: "In all criminal prosecutions the accused shall enjoy the right to a speedy and public trial by an impartial jury of the state and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation, to be confronted with the witnesses against them, to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense. These securities for personal liberty thus embodied, were such as wisdom and experience had demonstrated to be necessary for the protection of those accused of crime. And so strong was the sense of the country of their importance, and so jealous were the people that these rights, highly prized, might be denied them, by implication, that when the original constitution was proposed for adoption, it encountered severe opposition, and, but for the belief that it would be so amended as to embrace them, it would never have been ratified.

Time has proven the discernment of our ancestors; for even these provisions, expressed in such plain English words that it would seem the ingenuity of man could not evade them, are now, after the lapse of more than seventy years, sought to be avoided. Those great and good men foresaw that troublous times would arise, when rulers and people would become restive under restraint, and seek, by sharp and decisive measures, to accomplish ends deemed just and proper, and that the principles of constitutional liberty would be in peril, unless established by irrepealable law. The history of world had taught them what was done in the past might be attempted in the future. The constitution of the United States is a law for rulers and people, equally in war and in peace, and covers with the shield of its protection all classes of men at all times, and under all circumstances. No doctrine involving more pernicious consequences was ever invented by the wit of man than that any of its provisions can be suspended during any of the great exigencies of government. Such a doctrine leads directly to anarchy or despotism, but the theory of necessity on which it is based is false; for the government, within the constitution, has all the powers granted to it which are necessary to preserve its existence, as has been happily proved by the result of the great effort to throw off its just authority.

Have any of the rights guaranteed by the constitution been violated in the case of Milligan? and if so, what are they? Every trial involves the exercise of judicial power; and from what source did the military commission that tried him derive their authority? Certainly no part of the judicial power of the country was conferred on them, because the constitution expressly vests it "in one supreme court and such inferior courts as congress may from time to time ordain and establish," and it is not pretended that the commission was a court ordained and established by congress. They cannot justify on the mandate of the president, because he is controlled by law, and has his appropriate sphere of duty, which is to execute, not to make the laws; and there is "no unwritten criminal code to which resort can be had as a source of criminal jurisdiction." Nor can it be that the jurisdiction is complete under the "laws and usages of war." It can serve no useful purpose to inquire what those laws and usages are, whence they originated, where found, and on whom they operate; they can never be applied to citizens in states which have upheld the authority of the government, and where the courts are open and their process unobstructed. This court has judicial knowledge that in Indiana the federal authority was always unopposed, and its courts always open to hear criminal accusations and redress grievances; and no usage of war could sanction a military trial there for any offense whatever of a citizen in civil life, in no wise connected with the military service. Congress could grant no such power, and to the honor of our national legislature be it said, it has never been provoked by the state of the country even to attempt its exercise. One of the plainest constitutional provisions was therefore infringed when Milligan was tried by a court not ordained and established by congress, and not composed of judges appointed during good behavior. Why was he not delivered to the circuit court of Indiana, to be proceeded against according to law? No reason of necessity could be urged against it, because congress had declared penalties against the offenses charged, provided for their punishment, and directed that court to hear and determine them. And soon after this military tribunal was ended the circuit court met, peacefully transacted its business, and adjourned. It needed no bayonets to protect it, and required no military force to execute its judgments. It was found in a state eminently distinguished for patriotism by judges commissioned during the rebellion, who were provided with juries, upright, intelligent, and selected by a marshal appointed by the president. The government had no right to conclude that Milligan, if guilty, would not receive in that court merited punishment, for its records disclose that it was constantly engaged in the trial of similar offenses, and was never interrupted in its administration of criminal justice. If it was dangerous in the distracted condition of affairs to leave Milligan unrestrained of his liberty because he "conspired against the government, afforded aid and comfort to rebels, and incited the people to insurrection," the *law* said arrest him, confine him closely, render him powerless to do further mischief, and then present his case to the grand jury of the district, with proofs of his guilt, and, if indicted, try him according to the course of the common law. If this had been done the constitution would have been vindicated, the law of 1863 enforced, and the securities for personal liberty preserved and defended.

Another guaranty of freedom was broken when Milligan was denied a trial by jury. The great minds of the country have differed on the correct interpretation to be given to various provisions of the federal constitution; and judicial decision has often been invoked to settle the validity of warring opinions; but until recently no one ever doubted that the right of trial by jury was fortified in the organic law against the power of attack. It is *now* assailed; but, if ideas can be expressed in words, and language has any meaning, *this right*—one of the most valuable in the list of human rights—secured to every one accused of crime who is not attached to the army or navy or militia in actual service. The sixth amendment affirms that "in all criminal prosecutions the accused shall enjoy the right to a speedy and public trial by an impartial jury," language broad enough to embrace all persons and cases; but the fifth, recognizing the necessity of an indictment, or presentment, before any one can be held to answer for high crime, "*excepts* cases arising in the land or naval forces, or in the militia, when in actual service, in time of war or public danger;" and the framers of the constitution doubtless meant to limit the right of trial by jury in the sixth amendment, to those persons who were subject to indictment or presentment in the fifth.

The discipline necessary to the efficiency of the army and navy required other and swifter modes of trial than are furnished by the common law courts; and, in pursuance of the power conferred by the constitution, congress has declared the kinds of trial, and the manner in which they shall be conducted, for offenses committed while the party is in military or naval service. Every one connected with these branches of the public service is amenable to the jurisdiction which congress has created for their government, and while thus serving, murder is right to be tried by the civil courts. *All other persons*, citizens of states where the courts are open, if charged with crime, are guaranteed the inestimable privilege of trial by jury. This privilege is a vital principle, underlying the whole administration of criminal justice; it is not held by sufferance, and cannot be frittered away on any plea of state or political necessity. When peace prevails, and the authority of the government is undisputed, there is no difficulty of preserving the safeguards of liberty; for the ordinary modes of trial are never neglected, and no one wishes it otherwise. But if society is disturbed by civil commotion—if the passions of men are aroused and the restraints of law weakened, if not disregarded—these safeguards need, and should receive, the watchful care of those entrusted with the guardianship of the constitution and laws. In no other way can we transmit to posterity unimpaired the blessings of liberty, consecrated by the sacrifices of the revolution.

It is claimed that martial law covers with its broad mantle the proceedings of this military commission. The proposition is this: That in a time of war the commander of an armed force (if in his opinion the exigencies of the country demand it, and of which he is to judge), has the power, within the lines of his military district, to suspend all civil rights and their remedies, and subject citizens as well as soldiers to the rule of *his will*; and in the exercise of his lawful authority cannot be restrained, except by his superior officer or the president of the United states. If his position is sound to the extent claimed, then when war exists, foreign or domestic, and the country is subdivided into military departments for mere convenience, the commander of one of them can, if he chooses, within his limits, on the plea of necessity, with the approval of the executive, substitute military force for and to the exclusion of the laws, and punish all persons as he thinks right and proper without fixed or certain rules.

The statement of this proposition shows its importance; for, if true, republican government is a failure, and there is an end of liberty regulated by law. Martial law, established on such a basis, destroys every guarantee of the constitution, and effectually renders the "military independent of and superior to the civil power"—the attempt to do which by the king of Great Britain was deemed by our fathers such an offense that they assigned it to the world as one of the causes which impelled them to declare their independence. Civil liberty and this kind of martial law cannot endure together; the antagonism is irreconcileable, and in the conflict one or the other must perish.

This nation, as experience has proved, cannot always remain at peace, and has no right to expect that it will always have wise and humane rulers, sincerely attached to the principles of the constitution. Wicked men, ambitious of power, with hatred of liberty and contempt of law, may fill the place once occupied by Washington and Lincoln; and, if this right is conceded, and the calamities of war again befall us, the dangers to human liberty are frightful to contemplate. If our fathers had failed to provide for just such a contingency, they would have been false to the trust reposed in them. They knew—the history of world told them—the nation they were founding, be its existence short or long, would be involved in war—how often or how long continued, human foresight could not tell—and that unlimited power, wherever lodged at such a time, was especially hazardous to freemen. For this and other equally weighty reasons, they secured the inheritance they fought to maintain, by incorporating in a written constitution the safeguards which *time* had proved essential to its preservation. Not one of these safeguards can the president or congress or the judiciary disturb, except the one concerning the writ of habeas corpus.

[CONCLUDED TO-MORROW.]

NEW YORK AND PARIS FASHIONS FOR FEBRUARY.

FROM OUR FASHION CORRESPONDENT.

NEW YORK, January, 1867.—In the fashions for this month there is not much that is novel. The winter styles are not only established, but they begin to grow rusty, and ladies, young and old, who have exhausted their quarterly allowance, and see no way for procuring new head dresses and fresh white kid gloves, look forward with resignation, at least, to the advent of Lent, which furnishes a very proper excuse for abstaining from grand parties and gayeties of all sorts.

SHORT CLOAKS AND BRIMLESS BONNETS.

It seems to be ordained that women shall always be victims. They are the sufferers by a condition of barbarism, and who will say that they are not the "martyrs to civilization?" Surely no one who sees delicate forms wrapped in cashmere shawls shivering over hot-air registers, and those same sensitive creatures promenading in the bitter cold of winter afternoons with a small bit of velvet for protection on the top of their heads, and short sacques, reaching scarcely below the waist, doing duty as cloaks. If punishment had been needed for blindly following the lead of a capricious fashion, whose customs and climate are entirely different from our own, it would seem to come in the shape of the severity of the weather which has distinguished the season, and compelled all who were foolish enough to be fashionable to fall back upon their old cloaks, or anything they could lay hands on by way of wraps, to shield them from the inclemency of the keen frosty air and sudden storms. There are days when short sacques and fancy peplums can be worn with impunity, and constitute just the right sort of additions to a toilette, arranged with coquettish care for shopping exp

MEMPHIS APPEAL.

MEMPHIS.

TUESDAY, : : : : : : FEBRUARY 5, 1867.

EDITOR.....ALBERT PIKE.
ASSOCIATE EDITOR....ST. CLAIR DEARING.
BUSINESS MANAGER.....JOHN AINSLIE.

TO CORRESPONDENTS.

No notice can be taken of Anonymous Communications. Whatever is intended for insertion in the APPEAL, must be authenticated by the name and address of the writer—not necessarily for publication, but as a guarantee for his good faith and responsibility.

All business letters for this office should be addressed to "THE APPEAL," Memphis.

All Communications for publication must be written on one side of the page, and with all other matters connected with the editorial department, should be addressed: EDITORS OF THE APPEAL, Memphis.

We cannot, as a rule, undertake to return articles not found suitable for publication.

TO THE PATRONS OF THE APPEAL.

In consequence of judicial proceedings, had in respect to the interests of different parties in the APPEAL, the paper, the printing establishment and the good will of the paper have been sold, and the undersigned have become the purchasers.

Every possible exertion will be made to render the APPEAL more acceptable to its readers, and more desirable as a medium of advertising. Much more space will be devoted to reading matter, and a special column be appropriated weekly to Masonic information.

The undersigned hope, by close attention to the affairs of the paper and office, to give it claims equal to those of any other journal of the city to the support and confidence of the community.

JOHN S. C. HOGAN & CO.

THE POLICY AND DUTY OF THE SOUTH.

[No. 3.]

It is our firm conviction that those men who in Congress and the North are foremost in proposing schemes to abase and degrade the people of the South, are actuated by a deliberate purpose to goad and provoke at least local disturbances, and, if necessary to the full attainment of their ends, a general resistance against intolerable outrages. Insurrections and the renewal of hostilities, justifying the re creation of an immense army, which, but for the President, would be still on foot, composed chiefly of negroes, would give the haters of the Constitution as it was, a lease for years of power, insure the election of a President of their choice, inflate the currency, and enable them and their relatives and friends to amass immense wealth by speculation and the public plunder. And, when the last despairing wails of the Southern people had ceased, and the work of desolation so well begun by SHERIDAN and SHERMAN and a host of HUNS of less note was complete, and the calamities of Poland had shrunk into insignificance compared with ours, a general confiscation could be enacted, the machinery of courts civil and military could be put into operation, and everywhere the work of strangulation could go on unimpeded by Presidential pardons. The power of the President and the Supreme Court to protect the Constitution would be swept away forever, and the Saturnalia of the new Reign of Terror would gratify the CHEEVERS of New England, as well as the SUMNERS.

No one can say that in so believing we do the leaders injustice; for every man is justly deemed to intend the natural consequences of his acts.

The people of the South can save themselves from this utter ruin only by prudence and patience. The least indiscretion in action will be fatal. They must give no occasion for the employment of troops to suppress disturbances; for the Committees sent to Memphis and New Orleans show how eagerly every such occasion will be availed of; and the nature of the testimony taken, at least at Memphis, and the hideous, loathsome, leprous, putrid nature of the principal female witness whose infamous perjuries were accepted as Gospel truth, show how unscrupulously the facts in every case will be perverted and a festering and venomous mass of lies in every case be accepted and endorsed as history. How easily testimony would be found or purchased to convict even the innocent, the subornation of CONOVER makes manifest. How swiftly a Military Tribunal would convict and sentence, the records of the Military Commissions prove.

We must bear the pitiless pelt ings of the storm as best we may, believing that "there is a God, although the devil seems to reign." We must obey the laws, and look to the courts to vindicate the Constitution and the rights of individuals which it guarantees to all. Resistance would be madness: and we are sure that none dream of it. There are no organizations, and no two men consult together with any view to any resistance whatever, in any county in all the South. "Be ye wise as serpents and harmless as doves." The reign of injustice cannot last forever. Now it is that the phrase "masterly inactivity" becomes pregnant with meaning. It is not the *government* of the United States that is stamping on us, but only one department endeavoring to swallow up the others.

Therefore we conceive it to be the present duty of the Southern States to remain entirely quiescent and let madness and folly run their course; to bear with equanimity what they can neither avoid or remedy; to have no part or lot in removing the old landmarks and changing the nature of the government; to oppose nothing and approve nothing, and let no share of the responsibility for what may happen, rest upon themselves; to contract no alliances with any party in the North, and lean on no broken reeds; to seek to take no part in the national legislation; to give no just occasion for the establishment of a military despotism; to consider the emancipation of the negroes as a finality, for the disastrous consequences of which they are in no wise responsible. Defeat by superior numbers in the field no more settles the *right*, than defeat by a majority at the polls. The minority is no more under obligation to abandon its *opinions* in one case than in the other. It is as little required to assist the majority to ruin the country in one case, as in the other. It *is* bound to submit to the decision, and allow the majority, unhindered, to carry out its plans in its own way. To prevent this it can only resort to argument and reason, and it may resort to these or refrain from it, as it pleases. It is surely under no obligation to remonstrate, when remonstrance will be met with insult; or to tender advice that it may be received with silent contempt. Let the creditor have his pound of flesh as near the heart as he chooses: "it is so written in the bond." He has not purchased or conquered any title to the opinions and the soul.

THE METOPOLITAN POLICE—SHALL WE EAT THE LEEK, THOUGH LIKE WE SWEAR?

We may safely leave to our Brethren of the *Avalanche* the task of discussing the propcsition for the payment by the city of the Metropolitan Police.

For our own part, we are so used to being plundered, that we accept every new dispensation of the kind philosophically, and console ourselves by the thought—(we don't *reflect* on it), that we are being disciplined for sins committed by some old forefather who *may* have ridden among CROMWELL'S saintly scoundrels over Ireland to "re-construct" it.

We rather like the idea of paying for the services of a large number of amiable, well-behaved and discreet people, whom we do not employ, and who are of no particular use to us. While doing this, we may for the moment forget that we are paying a Governor also, and a Legislature, that charitably relieve us of the responsibilities of self-government.

Our objections to the thing can be very briefly stated. First:—We should be better off without *any* police than that we have. They neither prevent depredations nor catch the perpetrators of them; and the whole concern is a humbug. People no longer take the trouble to even make it known, when their houses are robbed. It is thieves' carnival, and as to *finding* a policeman on an emergency, after night, you might as well look for an honest man in the Congressional lobby. Second:—As the city did not *want* and did not *employ* these gentlemen of elegant leisure, we cannot conceive of any reason why it should be swift to pay them. The next proposition, if it does so, will be to pay the wages of a regiment or brigade of negro militia quartered here to maintain order, which they will do with about the same efficiency as the Metropolitans catch thieves.

PROGRESS OF REVOLUTION.

The student of human nature has a new book opened to him, in that heterogeneous mass of humanity which is being slowly fused and moulded into a new race in the Northern departments of the country that still inappropriately calls itself the United States.

For he will there see men who have certainly read a *little* of history, and who must *sometimes* be visited by a gleam of sanity, reproducing all the follies, which led to all the crimes, of French Jacobinism; which guillotined the Girondins, gave France the Reign of Terror, and led to the Directory, the Consulate and the Empire. The whole North resembles, to an indifferent spectator, a vessel drifting upon a lee-shore, with the breakers full in view, and crew and passengers drunk, insane, dancing, singing, yelling and blaspheming.

We propose to furnish our readers with some means of judging of the progress of Jacobinism in the North, by re-producing from day to day the utterances of the Northern Press, or, as we might more truly say, its ravings, in respect to public affairs. The radical press is just now running a muck against the Supreme Court, because it has had the temerity to decide that half a dozen plain provisions in the Constitution mean what they say, and that all trials of civilians by military commissions have been illegal.

We furnish to-day a significant article from the St. Louis *Democrat*, as containing the very essence of Jacobinism. "The will of the People," it declares, "will certainly find a way to make "itself master of the Government,"—which of course means that neither Courts or Constitutional restrictions are to stand in the way of the popular will of the Northern leaders. We all know what the word "People" means, in revolutionary days.

The article we reproduce is especially significant as declaring that not one Northern State would have considered itself pledged to allow the Southern Provinces a representation in Congress, even if they had accepted, to their eternal infamy, "the Constitutional Amendment."

It declares, moreover, what is true, that States not entitled to representation are not States at all, nor entitled to exercise any political power. *The present Congress will not adjourn, until it has so declared by law.* If President Johnson vetoes the law, it will be passed over his veto; and he is estopped, by his constant recognition of the body as a lawful Congress, now to deny it. We agree, moreover, that whether the conquered communities are States or Provinces is a question which it is not competent for the Supreme Court to decide. For the Supreme Court cannot adjudicate in respect to the lawful composition of the Congress, and the whole question is a political one, in which the judiciary must follow the decision and accept as conclusive the action of the political power. There will be no remedy anywhere. Maryland, Kentucky, and Tennessee being dextrously severed from the Southern States, and non-entities, are at best impotent and insignificant as departments of the Empire. The rest of the South is to be divided into Provinces of convenient size, in which to try, on a large scale, the experiment of negro suffrage and negro domination over the white race.

THE AMENDMENT.

The constitutional amendment is being pushed upon by the Legislatures in different parts of the country. Virginia with all the other Rebel States, rejects it. Missouri, Illinois, Ohio and other loyal States will ratify it. But it is noteworthy that in all the Northern States it is regarded as deserving ratification not as a sufficient and final basis of reconstruction, but as a measure just and wise in itself. Not a single State has yet approved the amendment in which there would not have been a majority of the Legislature against it if it had been proposed or considered as a final basis of restoration. It ought to be adopted, and we believe it will be. But other measures are now absolutely necessary for a safe and just reconstruction.

Some republican newspapers speak of the adverse votes of the southern states as proving that this amendment can never be adopted as a part of the constitution. Those must hold that rebels have an absolute right to fix the terms of their own restoration. They hold that the votes of ten rebel communities, which congress has declared not entitled to representation, are nevertheless necessary to amend the constitution of the United States. On the contrary, we maintain that the sovereignty and the absolute right to rule this country as they see fit, rests with the people who remained loyal, and not with those who rebelled: that the conqueror and not the conquered party has the right to dictate terms; and that states not entitled to representation, not being states at all within the meaning of the Constitution, are not entitled to exercise any political power whatever. But if it were granted that the votes of three-fourths of thirty-six States are needed to ratify an amendment, it would not follow that the existing governments in the ten rebel States must forever continue to represent those States. On the contrary, Congress can at any time sweep them away and authorize State governments on such a basis that at very one of them will ratify the amendment. Johnson overturned governments which he saw fit to declare rebel in character, and that without authority of law, and established those now in existence. Upon his own repeated admission and upon the decisions of the Supreme court in the days when law and not partisanship controlled its Voice, the right of Congress to overturn rebellious and establish loyal State governments may be proved.

It may be objected that the supreme court may declare this action unconstitutional. If it would be unconstitutional for Congress to overturn rebel governments, much more was it unconstitutional for President Johnson to do the same thing without authority of laws. Such a decision, therefore, would simply restore the rebel governments that existed prior to the surrender of Lee's army, and would bring back in triumph into the capitol at Washington the Senators and Representatives that fled from Richmond. Does any man suppose that respect for the court will make the country tolerate any such decision? With equal justice, the court might declare that Ohio, Indiana, Illinois, Michigan, Wisconsin, Iowa, Minnesota, Missouri, Kansas and Nevada have never been legally or constitutionally admitted to the union, and are not entitled to senators and representatives. If the court can declare a state to be admitted, when congress decides that it still needs admission, it can as well declare a state need admission when congress has already admitted it. Yet everybody knows that such a pretended decision of the court would not be respected by the people nor by congress, and that it would render necessary the impeachment of members of the court for usurpation of power.

We believe that the amendment will be adopted, for it is the will of the people—and the will of the people will certainly find a way to make itself master of the government. But we believe that it is the duty of the Congress at once to act upon the rejection of the amendment by the Southern governments. They have been offered generous terms. They have spurned the offer. It is now time for justice to take the place of magnanimity.

A Good Thing.

A jokist, of Somerset, Ky., tells the Cincinnati *Commercial* that the following took place in the Kentucky legislature a few days ago:

A member from one of our mountain counties, full of conservatism, and a strong advocate of the Louisville *Journal*, each morning as he would take his seat in the house, as business opened, would commence reading his favorite paper, and about the same moment some member would move to dispense with the reading of the journal, and our mountain member would lay down his paper. He stood this for some time, when, rising from his seat one morning after the usual motion, he exclaimed at the top of his voice:

"Mr. Speaker, I've sot here in my seat for mor'n a week and submitted to the tyranny of this house. Somebody, every morning, moves to dispense with the reading of the '*Journal*,' and I've lost every paper I've bought for a week by it, and no man has ever moved to dispense with the *Democrat* or *Commercial*; and Mr. Speaker, I won't stand it any longer. Mr. Speaker——"

Here the balance was lost in the general laughter.

STAMPS.

It is singular how quietly the people of what is *supposed* to be a free country, governed by a Constitution that power cannot violate, can submit to the grossest usurpations and the most unconstitutional legislation. It does not admit of a doubt that Congress possesses no Constitutional power to resort to the ingenious device of taxing particular articles of merchandise by requiring the venders to affix to them stamps furnished by the Government.

For if he who sells a box of matches can be compelled to buy a one or two cent stamp, and stick it on the box; if every quarly ostmaster, his property enlarged, can of oysters and lobsters sold must and its ability to meet the expenses of the have its adhesive stamp put upon it, war has entailed upon us placed beyond everything else, manufactured and for all doubt; its credit consequently placed sale, may be subjected to the same necessupon as high if not a higher footing than sity. Every ham, every loaf of bread, that of any other nation in the world, every pane of glass, every turnip, every and we be again what God, I trust, deindividual potato and apple may be re- signs us to be, brethren forever, having quired to be stamped. Indeed, we do but one flag, "the glorious old stars and not see why children may not be re- stripes," to fight for. quired to be stamped, or forbidden to Of course these words of wisdom and enter any school. Why the wedding warning fell unheeded upon the ears of cake and the sacramental bread, and the the Senate. The impolicy of Force had infant's first dress, and the shroud and already been determined on. What coffin of the dead, may not also need the profit will be reaped from it, remains to magic "adhesive stamp," to entitle the be seen. TERENCE, the old Roman playchild to be clothed when it enters the wright, said, two thousand years ago;

world, and the dead to be buried. Nay, [Error longe, the corpse itself might be required to be Qui supersum credit esse me deum: stamped; and the soul be fortunate in Qui aliquid quam illud quod amicitia adjungit. not being required by "law" to have Habet.

the Government's passport to enable it "He greatly errs, to enter into the kingdom of Heaven. Who deems that government more strong or Moreover there is no limit to the more sure, Than that by amity secured."

amount of the stamp to be required for England did not succeed in persuading any article, except the discretion of Con- the Irishman to love the Saxon, by three gress. If it can compel a vender to put centuries of persecution, and a Union a two-cent stamp on a can of fruit, it can purchased by the bribery of members of require him to use one of the value of ten the Irish Parliament. It is a thousand dollars. There need be no further dis- times easier to create national hatreds, cussion as to the meaning of the terms than to extinguish them; and it has 'imposts,' 'excises,' and 'direct tax.' never been half as much by wars as by The Congress needs no other power, to the legislation and oppression after vienable it to raise any amount of revenue, tory, that deathless hates have been enthan that to require stamps to be placed gendered. But the human race learns on manufactured and imported articles. little wisdom in such matters by experThe Constitutional provision that repre- ience or from history, and will always, sentation and direct taxes shall corres- we suppose, prefer the Gospel of Hate to pond, and every equitable consideration the Gospel of Love. It is easy to foresee as well as the constitutional rule in regard the end of a people that has the STEto uniformity and equality of taxation, VENSES and CHEEVERS for teachers. may be dispensed with. There is no ne- [From the National Intelligencer.] cessity to levy a *tax* on cotton bales, It seems that in this age of progress, and in this republic, which is founded on the idea of the freedom of the citizen, men claiming to be the special champions of liberty should be found incessantly advocating a system of legislation which inevitably tends to establish the right by pains and punishments, by disabilities and disqualifications, rather than to leave it to free discussion and the unforced action of the popular judgment. The south has been in fatal error on the question of secession. Can we induce men honestly to abandon that error by restrictive legislation? The South is attached to the ideas and interests of "a lost cause." Which is the true policy—to condemn, by restrictive enactments, those ideas and those interests, or to seek to convince their judgments by exposing their fallacies and their errors? The disabilities imposed on the Catholics in English history never did one jot or tittle to weaken the faith of enlightened members of those raised in that faith; it simply disaffected them towards the government, by giving them just cause to arraign its justice and fair dealing.

Those gentlemen have not a true faith in the liberal sentiments they teach who are unwilling to leave them to the arena of discussion, but seek to force them upon a people not yet voluntarily prepared to receive them. Invoking coercive or restrictive legislation they are making the same blunder that the Old World governments made for ages, and that Puritans made in the early settlement of New England, that Louis XIV of France has been making in his censorship of the press, his interdict of political gatherings, etc. Is negro suffrage a thing? Is it an inevitable fact of the future? How much more will it triumph and be securely established if adopted by the voluntary action of the communities which are most to be affected by it, than if thrust upon them by what they cannot but regard as unfriendly legislation? So, too, in regard to the northern ideas of the cause of the secession leaders. Time and a candid discussion will be more sure to open the eyes of the southern people and induce the adoption of correct opinions than all the disabling acts and punitive statutes that a dozen congresses might pass.

We cannot regard those men as the true disciples of the democratic idea who are looking for it the aid of coercive legislation, any more than we can regard him as a true missionary who, in heathen lands, seeks some other method of propagating the gospel than was so grandly illustrated in the career of a Paul. He left the ethics of christianity, but he never arraigned emperors nor denounced governments. And we think the true method to prevent the alleged outrages upon the freedmen is by being true, democratic idea of self-government, by seeking to enlighten the southern people and thus quicken the southern conscience, rather than by enacting congressional measures that, however praiseworthy in their objects, violate the organic law of the nation while they antagonize the feelings of the communities over whom they would fain conciliate and convince.

[From the National Intelligencer.]

The great question which congress is now considering is, whether the nature of this government shall be altered and that body without the constitutional assent of the people. That there is no doubt about the fact that there are certain powers which are reserved to the States with which congress has constitutionally no right of interference. The regulation of suffrage is one of those. At the time of the adoption of the constitution there was the greatest diversity amongst the states respecting the elective franchise. In most there was a property qualification, and this was different in different states. In some this was uniform for both branches of the legislature, and in others dissimilar qualifications were required. In some negro suffrage was recognized in the person of propertyowning freemen. All that the constitution proposed is to make the electoral basis for members of the house of representatives the same as that of the lower branch of the legislature. But as the qualifications of rulers was purely a matter of state legislation before the adoption of the constitution, and as no prohibition was incorporated in that instrument, it is plain that congress has no control of it independent of the fact that this is a question of defined powers, and the regulation of suffrage is not one conferred.

But hour after hour of the time of both branches of congress is consumed in discussing the propriety and the necessity of permitting negroes to vote, and the demands are made in favor of its justice, and the vengeance of Heaven is denounced against a government which will so trample on the rights of humanity as to leave the poor freedmen of the south unprotected. It is because of these gentlemen fancy they have some constitutional power over this question, or that they can effect some important political objects by thus thrusting legislation into the domain of moral ideas; but it would be far more to their credit if they had not married the elections as constitutional amendment which ignores their loudly vaunted ideas, and come out manfully and unmistakably for the people for negro suffrage as their own platform. What is to be thought of men like Senator Wilson, in Delaware, who denied that they were advocates of negro suffrage, who made the halls of legislation echo with their denunciations of the inhumanity and injustice of its denial?

The supreme court of the United States complimented by the legislature of Delaware in a very gorgeous resolution, and by the New York *Tribune* thus:

"Now, then, is there one man on all earth who believes that these midnight assassins of federal soldiers if simply doing their duty are or ever were in danger of being arrested, tried, convicted and punished by the present local authorities of South Carolina or of Georgia? And if not, what is the action of supreme and district courts in their behalf a proclamation of impunity to future assassins? And is it within the compass of human imagination to fancy that Chief Justice CHASE, or Judge John Marshall pronouncing a decision whereof this would be the natural result: 'And if more soldiers, or other federal persons, shall be murdered under like circumstances, and their assassins shall laugh to scorn the suggestion of punishment, will not the blood of the slain lie heavily on the souls of David Davis, Stephen J. Field, Samuel Nelson, Nathan Clifford and Robert C. Grier?'

We are not attempting to scan the legal aspects of the grave questions involved. We consider the cases in their direct, practical bearings, and we deplore the impunity they seem to give to crimes impelled by rebel malice as a very serious obstacle to the restoration of the union."

Butler the Beast.

Butler has written to a French Canadian, who has been agitating the Canadian annexation question in the west. He says that he is confirmed in the opinion already come to and expressed, that the annexation or absorption of the Canadas is both necessary and inevitable for the future welfare of the United States.

Poor Canada! Butler has said it, and it must be accomplished. Fort Fisher and New Orleans, Dutch Gap and the Howlett House have not been sufficient. Buster cries for more—more plunder, more money, more suits, more wealth and more shame!

FORCE VS CLEMENCY.

REVERDY JOHNSON, Senator from Maryland, in a recent speech in the Senate, upon the bill to repeal the provision in the act of July 17, 1862, in respect to an amnesty, used the following language in respect to the people of the South:

Toward such citizens is the mere power of a conqueror to be used? Are their past services to be wholly forgotten, their willing obedience to be unrewarded, their overlooked, all political rights to be suspended them, and as long as their conquerors please are they to be the mere serfs and slaves of brethren whose equals they are by descent, manhood, and intelligence? If peace and prosperity are of value, (and who can doubt it?) this is not the mode to attain them. If it is, all history will be reversed. If it is, men now are not what they have been from the first of their political associations. The dullness brought about by despotism its authors have at times decried to be peace; but in the end they discovered the fatal mistake. Man chained is a man still. The moment opportunity offers (and Providence sooner or loter is sure to offer it) he will cast off his fetters and assert the rights which nature gives him and he free.

And such a policy is at variance with our own history. In the civil commotions which have heretofore occurred, the opposite policy has been pursued, and with the happiest results. In the unprovoked rebellion in Massachusetts in 1786, after its actual suppression by force, clemency toward the offenders was shown, and all soon became peace, and the government, because of its clemency, was placed upon a firmer foundation than it had before. At the termination of that revolutionary war, while the land was filled with many dissatisfied spirits, and state laws of a stringent character had been passed by most of the states, laws of confiscation, etc., congress, in January, 1783, passed a resolve "earnestly recommending to the several states to reconsider and revise all their acts and laws," so as to render them "perfectly consistent not only with justice and equality, but with that spirit of conciliation which, on the return of the blessings of peace, should universally prevail." The same policy was pursued by Washington in the instance of the whisky insurrection with the like consequence. Not an offender was executed; a few only were tried, and none seriously punished.

The history of the European world furnishes even still more striking examples of the impolicy of mere force of power, and of the policy of kindness and conciliation. The Netherlands, in the sixteenth century, were lost to Philip II by the ferocious conduct of Alva; and in that land, under him, the historian tells us that "the axe, the stake, the rack, the dungeon knew no rest." His boast was that he had executed eighteen thousand six hundred persons. But these executions, his council of blood, his devastation of the lands, ended, as in the judgment of God such conduct has ever ended, in defeat. The invader was driven off, and the country lost to the inhuman Philip.

Poland, because of a policy nearly as inhuman, is now but an expense to Russia. She dreads insurrections; she has vainly endeavored to prevent or guard against them by forces. Kindness, conciliation, mercy, would long since have achieved there what they would have never failed to achieve everywhere.

Austria, because of a like stern policy, has lost her German possessions, and is soon, unless her treatment of Hungary is changed, to lose that country, which might be made the source of wealth and power.

All these examples should lead us to a policy of kindness, to a proclamation of peace and amnesty, to a cheerful reception into our political homestead of the brethren who, having strayed from it, are anxious to return. This done—and the sooner it is done the better—the desolations the war has caused will be removed, and the power of the country be greatly enhanced, its prosperity enlarged, and its ability to meet the expenses the war has entailed upon us placed beyond all doubt; its credit consequently placed upon as high if not a higher footing than that of any other nation in the world, and we be again what God, I trust, designs us to be, brethren forever, having but one flag, "the glorious old stars and stripes," to fight for.

Of course these words of wisdom and warning fell unheeded upon the ears of the Senate. The impolicy of Force had already been determined on. What profit will be reaped from it, remains to be seen. TERENCE, the old Roman playwright, said, two thousand years ago;

[Error longe,
Qui supersum credit esse me deum:
Qui aliquid quam illud quod amicitia adjungit.
Habet.

"He greatly errs,
Who deems that government more strong or more sure,
Than that by amity secured."

England did not succeed in persuading the Irishman to love the Saxon, by three centuries of persecution, and a Union purchased by the bribery of members of the Irish Parliament. It is a thousand times easier to create national hatreds, than to extinguish them; and it has never been half as much by wars as by the legislation and oppression after victory, that deathless hates have been engendered. But the human race learns little wisdom in such matters by experience or from history, and will always, we suppose, prefer the Gospel of Hate to the Gospel of Love. It is easy to foresee the end of a people that has the STEVENSES and CHEEVERS for teachers.

[From the National Intelligencer.]

It seems that in this age of progress, and in this republic, which is founded on the idea of the freedom of the citizen, men claiming to be the special champions of liberty should be found incessantly advocating a system of legislation which inevitably tends to establish the right by pains and punishments, by disabilities and disqualifications, rather than to leave it to free discussion and the unforced action of the popular judgment. The south has been in fatal error on the question of secession. Can we induce men honestly to abandon that error by restrictive legislation? The South is attached to the ideas and interests of "a lost cause." Which is the true policy—to condemn, by restrictive enactments, those ideas and those interests, or to seek to convince their judgments by exposing their fallacies and their errors? The disabilities imposed on the Catholics in English history never did one jot or tittle to weaken the faith of enlightened members of those raised in that faith; it simply disaffected them towards the government, by giving them just cause to arraign its justice and fair dealing.

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NEWS SUMMARY.

GRIFFITH GAUNT DRAMATIZED.—In Philadelphia this brilliant drama was reproduced last night at Wall's opera house in better style than on its first series of representations there. Miss Rose Eytinge was more charming than ever, and Mortimer exceeded his former efforts in pleasing the audience.

—A sailor, unused to society, said to his partner after a waltz: "My dear, let me take you back to your supercargo."

—Donizetti composed more than sixty operas. At one time of his life he produced four a year—two serious and two buffo.

—The American watch company at Waltham, Mass., make two hundred and fifty watches a day, and employ seven hundred persons, of whom one-third are women.

—In England they are extracting turpentine from petroleum.

—St. Elmo has been republished in London.

—A dogma ir defined as an opinion laid down with a *snarl*.

—In all of Shakspeare's plays, thirty-five in number, there are but six or seven vicious female characters.

—At the funeral of N. P. Willis in Boston, last Thursday, Prof. Henry W. Longfellow, Dr. Samuel G. Howe, Mr. Edward Quincy, Prof. Oliver Wendell Holmes, James Russell Lowell, James T. Fields, Edwin P. Whipple, and Mr. Merritt Trimble, of New York, acted as pall-bearers.

ITALIAN OPERA IN TURKEY.—The *Huguenots* has been produced for the first time at Constantinople, with great success. The admirable duet of the fourth act, produced a great sensation among the Turks of Mahammed.

WHAT NEXT?—John Morrissey has bought an interest in a Troy newspaper. John will speedily come down to "white chips," as Beau Hickman would say, if he goes very deeply into the newspaper business.

—Gen. Price's reception at St. Louis is described as a perfect ovation, many federals participating. Private hospitalities poured in upon him. He intends to reside there.

—At Wilmington, N. C., letters of administration were granted to one negro on the estate of another—probably, the first time in the south.

—The Petersburg *Index*, very ungallantly, says: "The most objectionable animal in this world is called mule; the Latin for woman is *mulier*."

DISARMING.—The Fenian leaders in New York city advertise for sale two thousand arms, principally muskets and Springfield rifles, all ready for instant use.

—The Halifax *Citizen* claims that scores of Nova Scotia ships have crossed the ocean in less time than that taken by Bennett's famous yacht.

Carlyle is coming to the United States next year.

—The Cincinnati *Commercial* publishes an article recommending Gen. George H. Thomas for the next president.

—The bronze statue of Chief Justice Marshall, for the Richmond Washington monument, is on its way from Munich.

—A game of chess is being played by letter between the clubs of two towns in Ohio.

—There has been nine snow storms this winter in Richmond, Va.

A NEW CITY.—"Scrossmerville" is the name of a new village just sprung up near Shelbyville, Tenn. One hundred residences have been built, and are in process of erection, within the last year.

—A gentleman named Koechne died in a dentist's office at Philadelphia. He had had a tooth extracted under the influence of the nitrous oxide, when a cork which had been placed between his teeth slipped down his throat, and choked him to death in a few minutes.

—The celebrated trotter, Ethan Allen, has been sold to E. G. Simmons, of New York, for $10,000.

—It is stated that a dinner was given recently in Paris, of which the principal dishes were shark, horse, dog and rat.

—The crown of the Belgian queen is composed of forty-five pearls, forty diamonds of large size, and five thousand small brilliants.

FINANCES OF KENTUCKY.—Wm. H. Samuels, Esq., state auditor, reports to the governor that on the 21st ult. the amount in the state treasury of Kentucky was two millions, twenty-six thousand, one hundred dollars and thirty cents.

JUNCTION CITY, Kan., January 31.—A scout just in from the west reports the Cheyenties and Arrapahoe Indians numbering about 12,000 warriors, on the war path.

This place will be the terminus of the Union Pacific railroad in the coming summer, and great preparations are being made for a heavy business on New Mexico. Twelve large trainsare already en route from that territory to receive the stock which has been shipped to this point.

—Lead quarters and half dollars are circulating in Quebec.

—The question of religious liberty is agitating the people of Switzerland. That means the liberty to interfere with other people's business, as those precious rascals attempted not long since when they advised the north to show the south no mercy.

—Hog cholera is prevailing to a considerable extent in the distillery pens in Bourbon and adjoining counties in Kentucky. Thos. Megibbon, near Lair's station, has lost upwards of five hundred hogs from the disease.

—There will be a meeting of the heroes of the war of 1812, of Bourbon county, on February 22, 1867, at Odd-Fellows' hall, in Paris, Ky. The meeting will be addressed by several distinguished gentlemen.

—During the Philadelphia nigger loyal convention, says the La Crosse *Democrat*, certain of the mongrel newspapers asserted that Fred. Douglass met in the streets that city his former mistress, and thanked her for some kind consideration of hers to him while a slave. A lady in Maryland writes us that the mistress and former owner of the nigger Douglass, to her positive knowledge, died three years ago.

MAGNITUDE OF THE EARTH.—The circumference of our globe is 25,000 miles, and so stupendous a circle may be best comprehended by comparison. For example, a railway train traveling night and day at the rate of twenty-five miles an hour, would require six weeks to go around it. The cubical bulk of the earth is 260,000,000,000 of cubic miles, and according to Dr. Lardner, if the materials which compose it were built up in the form of a column, having a pedestal of the magnitude of England and Wales, the hight of the column would be nearly four and a half million of million of miles. A tunnel through the earth from England to New Zealand would be about eight thousand miles long.

I. O. O. F.—THANKSGIVING.—Hon. J. R. Sanders, grand sire of the grand lodge of the United States of Odd-fellows, has appointed April 26th as a general day of thanksgiving in the order for the return of peace, with links of the order unbroken, and for general prosperity. It is also the anniversary of the establishment of the order in this country.

—The witty local of the Vicksburg *Times* says the bible injunction, to love our enemies, is beautifully illustrated by one of his contemporaries, who evinces the utmost love for his worst enemy, John Barleycorn.

—The same "sarcastic cuss" declares that the man who was selling swartly india rubber doll babies on the streets of Vicksburg last week, has been arrested by the military authorities, for assuming to burlesque the freedmen's bureau.

—The daily consumption of oysters in Paris amounts to upwards of three quarters of a million, which reach the capital in something like six thousand baskets, each of which contains a gross, and furnishes altogether on an average a half-an oyster per head of the population. The number of snails—now so favorite and edible with the Parisian gourmands as to have thrown the frog, the national delicacy par excellence, completely into the shade—brought daily to the Paris market, is not so easily ascertained; all one knows is that from Burgundy and Champagne, the great snail producing districts, upward of one hundred thousand are dispatched to Paris every day.

HABEAS CORPUS.

Privilege of the Writ to be Denied to Confederates when Illegally Arrested by the Shoulder-Strap Gentry.

Mr. Trumbull called up an act to amend an act to establish the judicial courts of the United States; which was passed and goes back to the house for concurrence in a verbal amendment. It provides that the several courts of the United States and the several justices and judges of such courts within their respective jurisdictions, shall have power to grant writs of habeas corpus in all cases where any person may be restrained of his or her liberty in violation of the constitution, or of any treaty or law of the United States; application for the writ to be made in writing and verified by affidavit, setting forth the facts concerning the detention of the party applying, in whose custody detained, and by virtue of what authority; if known; whereupon the said writ of habeas corpus shall be issued, unless it appears from the petition itself that the party is not deprived of liberty in contravention of the constitution or laws of the United States; that the writ shall be directed to the person in whose custody the party is detained, who shall produce the party before the judge grant the writ, and certify the true cause of the detention of such person, within three days thereafter, unless such person be detained beyond the distance of twenty miles; and if beyond that distance and not above one hundred miles, then within two days; and if beyond one hundred miles, then within twenty days; that a day for a hearing shall be fixed not exceeding five days thereafter, unless the petitioner shall request a longer time; the allegations of the petitioner shall be made under oath, and the return and allegations against the same may be amended after filing; that the court or judge shall summarily proceed to determine the facts of the case, and if it shall appear that the petitioner is detained unlawfully, he or she shall be discharged; that if any person refuses to obey, or neglects to make a return, or shall make a false return, he shall be deemed guilty of a misdemeanor and subjected to a fine of not exceeding one thousand dollars, or imprisonment not exceeding one year, or both; that appeals may be taken from the final decision of any judge or court inferior to the circuit court, to the circuit court of the United States, and from the said court, to the supreme court of the United States, under such regulations as may be prescribed by the supreme court; in default of such, as the judge hearing said cause may prescribe, and pending such proceedings, and after discharge under the same, all proceedings against such person shall be deemed null and void.

Section two provides that in case of a decision in the higher court of any state, denying or affirming the validity of any statute, treaty, or authority exercised under the United States, it may be reexamined and reversed or affirmed in the supreme court of the United States, upon a writ of error, the citation being signed by the chief justice, judge or chancellor of the court rendering the decision complained of, or by a justice of the supreme court of the United States, in the same manner and under the same regulations as if the judgment had been passed in a court of the United States; and the proceedings upon the writ of error shall be the same, except that the supreme court may, at discretion, remand the case to the inferior court, and that the provisions of this act shall not apply to the case of any person held by the military authorities of the United States, charged with military offense, or with having aided or abetted rebellion against the government of the United States prior to the passage of this act.

THE NATIONAL BANK SYSTEM.

From the National Intelligencer

Indications of the unpopularity of the national bank system are apparent in every quarter. The political and commercial journals of the city of New York, the *Journal of Commerce*, the *Herald*, the *Evening Post*, and the *Tribune*, have strongly expressed their views in favor of the bills reported from the banking and currency committee, which is intended, not to destroy these institutions, but to regulate and restrain them, and relieve the treasury of the burden of collecting eighteen millions a year to their enormous and unprecedented profits. The people throughout the country, so far as they have any voice in the matter, prefer legal tender treasury notes as a currency, to greenbacks—the plain legal tenders—these constitute the people's money. If the question could be placed before the country for decision by the popular vote between the greenback currency and the national bank currency, the former would, by acclamation, be chosen. The country needs but one description of paper currency. It demands that there shall be but one. During the pressure of the war the national banking system was established in aid of the public credit, and the public convenience. As the measure was a novelty, it was deemed necessary to collect, for the time being, extraordinary indemnities from capitalists to embrace the system. The measure was never considered as perfected or as permanent in its original form. The idea of the war—and it was the theory of the authors of the measure themselves—Secretary Chase going first—was that the currency would be withdrawn at the conclusion of the war, and that the national bank issues should constitute the only legal paper currency of the country. It is needless to say that this idea has been abandoned. The withdrawal of the greenbacks proved to be impracticable, and it would have been undesirable. It is even doubtful whether their authorized reduction at the rate of four millions a month will be continued. It is certainly a question of time to test the relative merits of the two species of paper money, and prefer the legal-tender notes. Of course it was never intended that both systems should stand together, the one must absorb the other. The aggregate volume of the two must be gradually reduced, and finally the public judgment is in favor of retaining the greenbacks.

MOVEMENTS OF MEXICAN BELLIGERENTS.

All the interests of Mexican news now centers in the movements of the two belligerent armies. Both have taken the field

CLOSING OF THE MAILS.

Via M. & C. R. R., Washington, D. C., Richmond, Va., Columbus, Ga., Augusta, Ga., Mobile, Ala., and all stations on M. & C. R. R., at 6 p.m.

Miss. Cen. R. R. at 6 p.m.

Mobile & Ohio R. R. at 6 p.m.

Via Miss. & Tenn. R. R., New Orleans, La., Jackson, Miss., Vicksburg, Miss., and all stations on Miss. & Tenn. R. R., at 3 p. m.

Southern R. R. at 3 p. m.

K. O. & G. N. R. R. at 3 p. m.

Via Mem. & Louisville R. R., Louisville, Ky., Cincinnati, Ohio, Baltimore, Md., Philadelphia, Pa., New York, N. Y., and all eastern cities, at 3 p. m.

Brownsville, Tenn., and all stations on Mem. & Ohio R. R., at 3 p. m.

Cairo, Ill., Chicago, Ill., St. Louis, Mo., and all western cities, at 9 p. m.

Little Rock, R. R., and all Landings on White River, semi-weekly, Tuesdays and Saturdays.

Pine Bluff, Ark., and Landings on Arkansas River, semi-weekly, Tuesdays and Fridays.

Miss. River from Memphis to Cairo five times a week.

GAYOSO SAVINGS INSTITUTION,
MEMPHIS, TENNESSEE,
Banking House No. 19 Madison St.

This Institution, organized in 1856, has been in continuous and successful operation for the past ten years, continues to transact a

GENERAL EXCHANGE AND BANKING BUSINESS.

Will Receive Deposits, Buy and Sell

Foreign & Domestic Exchange,
Gold, Silver and Uncurrent Money.

SELLS Exchange in sums to suit purchasers, on London and all leading cities of the United States, and will make collections on all accessible places in the North and West.

E. H. AVERY, Cashier.
JOHN C. LANIER, President.
je29-1y-ag17 tf

LOST--FOUND.

$50 REWARD—

I will give the above reward for the apprehension and delivery of one W. B. BAKER to the authorities at Memphis. He is said to have gone to Texas. Description—A tall, slim man, well dressed, chin whiskers, slightly bald and hair thin, blue eyes.

L. WARD,
feb5 1w Captain steamer Lady.

$200 REWARD—

Stolen on Tuesday night, the 29th inst., from my stable at the Memphis Trotting Park, one black Horse, 7 years old, about 15 hands high, very white stripe down the face; also, one fine Bay Mare, about 6 years old, 15 hands high, very stout built, branded 71 in small figures on the left shoulder, no white or visible saddle marks. I will pay the above reward for the horses, and $100 additional for the thief.

OSCAR W. HYATT.
ja31-3t

HORSE LOST—

A light bay HORSE, swob tail, high headed, heavy mane, age blind foal, left leader, and about nine years old. Any one returning the above Horse to Forrest's Stable, on Adams street, will be liberally rewarded. jan27 tf

MULE STOLEN—

Stolen from the subscriber, on the corner of Clay and Lafloon, on Sunday night, the 6th inst., one Brown Horse MULE, about fifteen hands high, eight years old, with U.S. on left shoulder, shod all round. Any person returning the same at No 85 Beal street, will receive a reward of $50 jan9 tf I. STEPHENS.

MULE BROKE LOOSE—

From No. 36 Madison street, on Wednesday evening, one sorrel MULE, 10 or 12 years old, medium size, with saddle and harness marks, as it all are not said find on an old bridle. A liberal reward will be paid on delivery of said mule at No. 36 Madison street. dec6 tf

BOARDING.

BOARDERS WANTED—

Two pleasant Front Rooms, with Board can be obtained in a private family; also, Day Boarders wanted at No. 66 Linden street. Terms moderate, and convenient to the Main street cars. jan13 2w

BOARD AND LODGING—

Front Rooms for gentleman and wife also, good accommodations for single gentlemen, by early application at 39 Madison St. jan3 1m

BOARDING—

Several very desirable rooms handsomely furnished, for families or single gentlemen, can be had with board, on reasonable terms, at 246 Adams street. dec18 tf

WANTS.

WANTED—

By a gentleman who has taught several years a situation to teach the English branches and Latin. He has no recommendation but his face. Address, J. E. M.,
feb2 3t Overton Hotel, Memphis, Tenn.

WANTED—

A competent Organist desires a situat on in one of the Protestant Churches. Best of references as to ability and character given. For further particulars inquire of F. Katzenbach, 317 Main street. jan27 tf

WANTED—

Till midsummer, a situation as teacher in a private family, by a lady who has had twenty years' experience and has presided over some of the first institutions in the south, in Richmond, Va., and elsewhere. She can teach Music on Piano and Guitar, Latin and Mathematics, French and German, spoken and written, and English branches as taught in schools of the highest order. Salary less an object than a comfortable home. Address Miss Lucy Peach Memphis preferred. Amplest testimonials given. Address Dr S. H. FORD, or Dr. A. A. BUELLER'S, No. 318 Front street, Memphis. jan22 tf

WANTED—AGENTS—

To sell the "Crescent Family Sewing Machine," the best low priced Machine made. Please send for circulars and obtain full particulars. Address,

CHAS. F. HASTY,
243 Second street,
au3-6m*p-jan9 Memphis, Tenn.

WANTED

By a competent Book-keeper a situation to post a set of books in the evening. Would ask a very reasonable compensation. Apply at No. 7 Washington street. jan8 tf

WANTED—Agents $100 to $250 per month. Agents wanted everywhere to canvass for the only genuine "New Improved Common Sense Family Sewing Machine," Price $15. Warranted three years. Does perfect work and is the greatest invention of the age. For terms to agents and circulars, address Wrankfelin, Ky.

S. M. TOLIVER & CO., Manufacturers,
and General Agents for the south.
nov24 1w&3mw

FOR SALE.

FOR SALE—

A fine stock of Harness, Saddlery and Harness Hardware, Fixtures, Tools, and every requisite for a first-class establishment, sold only because domestic circumstances require a change of business. Located for soon, the stand, which is very favorably located, can be rented for a longer time than the present lease. Apply at No. 171 Main, near Poplar street. JOSEPH DWORACK S.
oct 17

FOR RENT.

FOR RENT—

Five unfurnished rooms, with carriage house and stabling for three horses. Situated three miles from the city on Central avenue—late Judge Hill's residence. Inquire on the premises. [f 5d 1w] I. W. WATSON.

FOR RENT—

Houses for rent at the office of BENTON & McLEAN, Real Estate Brokers, No. 27 Madison street. feb3 3t

FOR RENT—

A Store House, No. 46 North Court street. In consequence of the present occupants removing to a larger house, the above is for rent. Inquire on the premises. nov28 tf

NOTICES.

NOTICE—

There will be no bills paid by the steamer DIE VERNON unless ordered by the Captain or Clerk.

J. F. HOCKS.
Bulletin and Avalanche copy. au6 tf

NOTICE.—MULE and HORSE STOLEN—$250 REWARD—On the night of December 21st ult., was stolen from the s a de of the subscriber, one and a half miles north of the city on the Memphis and Big Creek p ank road, one BAY HORSE, nine or ten years old, black mane and tail, one white foot just at setlock joint, and dent in forehead just below left eye, shod on all four feet. Also, a light sorrel mare MULE, about four years old, short coupled rump, and having saddle and collar marks on back and top of neck, cropped mane and tail and a little spot just behine her right ear, shod on front feet. I will give Fifty Dollars reward for return of either animal, and One Hundred for apprehension of and proof to convict the thief. JOHN A. WALKER.
jan6 2w

NOTICE.

Mississippi Cotton Plantation for Sale

CONTAINING 640 acres, entire section under fence, 300 in high state of cultivation, good frame dwelling house with five rooms, gin house, all necessary out houses, orchard, etc., all in good order, plenty of good water, good pasturage, fodder, hay, oats, corn, killing hogs, stock of every kind usually found on a farm, consists of all kinds; in fact, everything complete to carry on a well conducted, large or sale a large number of the hands now on the place. The ranch, if desired. In a good healthy location, convenient to church and schools and very convenient to the railroad—about thirty-five miles from the city. Parties calling soon can make liberal and easy terms. For further information call on JE PRESS. BLACKWELL & CO., No. 30 Main street, Memphis, Tenn. This farm is offered for thirty days, as the party now on it will keep everything in good order and get hands to work the place, and will deliver everything over to the purchaser, and give immediate possession dec25 1m

A VALUABLE PLANTATION
FOR SALE OR RENT,
Eight Miles East of Helena, Ark.,
in Tunica County, Miss.

THIS Tract consists of Eight Hundred Acres, Five Hundred of which are cleared. Four hundred acres of the tract was cultivated during the year 1866 and is now in a good condition for a crop for the year 1867. The most o this valuable plantation is above overflow and is very desirable, and has comfortable Cabins, excellent Water, and a new Steam Sawmill and Gin house. Mules and Farming Utensils can be purchased on the place, and many Freedmen now on the place could be induced to stay. Should any one of these desire to plan, a liberal copartnership is offered.

For further information apply to I. J. BUSBY or E. M. APPERSON & CO., Memphis, Tenn.

This place will be offered for Thirty Days.
jan5 1m A. L. SHOTWELL.

ACENTS WANTED.
"STONEWALL JACKSON."
The Life and Campaigns of Lieut.-Gen. Thos. J. Jackson.

By Prof. R. L. DABNEY, of the Theological Seminary of Virginia.

BLELOCK & CO.,
315 Main Street, : : : : MEMPHIS, TENN

THIS is the only edition authorized by Gen. Jackson's widow from which she desires pecuniary benefit. It paints in vivid language the distinguished features of devout Christianity, stern rectitude, wonderful military foresight and bravery which characterised Gen Jackson and gives a faithful History of the great Campaigns which made his brilliant reputation. Octavo pp. 750. Cloth $4 00—Half Calf $6 00.

Agents wanted throughout Tennessee, Mississippi and Arkansas.

For Agencies, and Circulars containing full information, address

BLELOCK & CO.,
de12 315 Main Street, Memphis, Tenn.

MEMPHIS APPEAL.

Office---No. 13 Madison Street.

TUESDAY, : : : : : FEBRUARY 5, 1867.

CITY MATTERS.

To the Patrons of the Appeal.

You are requested not to pay any carriers without a certificate from me, and to report at the counting desk any irregularity in carriers. L. DAVIES.

COTTON.—Amos Bowles, one of the colored race, was yesterday committed by Mr. Justice Creighton, charged with stealing two bags of cotton, the property of J. A. Harwood, Esq.

TABLES.—The house of H. B. Mitchell, Esq., 150 Vance street, was entered at an early hour yesterday morning, by means of a window, and a large quantity of table furniture stolen. Keep your shutters closed and windows well fastened.

GONE TO NASHVILLE.—The lunatic who has been making night hideous with his noises, left last night, with two others, via Memphis and Charleston railroad, in charge of Mr. Sheriff Winters, for the lunatic asylum at Nashville.

AS MANY of our friends were disappointed in securing the Salutatory in our issue of Friday last, we take pleasure in reminding them that our next-weekly paper will contain it, as well as every article of interest published in our columns during the week.

LATE PAPERS.—We are indebted to our friend T. J. Maloney, the Beal street newsdealer, for late numbers of Frank Leslie's illustrated papers and the New York Clipper. All late papers and periodicals, as well as the DAILY APPEAL, will be found on his counter.

POLICE BUSINESS.—Yesterday was a heavy day at the police commissioner's court, sixty-three cases appearing on the docket, and nearly seven hundred dollars in fines collected—a very good opening, financially, for the week. Stealing seems to be somewhat on the decrease, much less than the ordinary number being recorded.

HIBERNICON.—The Greenlaw hall continues to be crowded nightly with delighted audiences to witness Prof. MacEvoy's exhibition of Irish scenery, and hear the sweet songs of Miss Dalton and the funny ones of Barney the Guide, while Miss MacEvoy never fails to bring down the house as Widow Machree.

FIRST NATIONAL BANK.—The card of this flourishing institution appears elsewhere in our columns, and from the quarterly statements it is required by law to publish, we feel safe in saying that there are few banking institutions in the country which can make a better exhibit, a success merited by the uniform courtesy and accommodation of its president Frank S. Davis, and C. P. Norris, cashier.

PEOPLE'S BANK.—In the card of this new claimant of public patronage we recognize the old familiar names of Fred. W. Smith, formerly the popular and able cashier of the old Union bank, and "Sandy" Shepherd, cashier of the Planters' bank. The combination of such talent—so well known to our old patrons—requires no recommendation at our hands.

PICK-POCKETS.—A stock dealer named W. L. Shanks had his pocket picked of $2,300 in currency, at the Memphis & Ohio railroad depot, in this city, on Saturday night last. He had purchased a ticket and was about to enter the coach, when he was rudely jostled against by two men and almost immediately discovered his loss, but could not find the thieves.

MEMPHIS INSURANCE COMPANY. There are, perhaps, few among the old subscribers of the APPEAL who do not recognize in the card of this banking institution F. M. Cash, of the old firm of Falls & Cash, and J. J. Murphy, formerly a wholesale grocery merchant, No. 54 Front row and lately commissary on the staff of Gen. Polk. They buy and sell all kinds of uncurrent money and do a general banking business. We commend them to the patronage of our friends.

REGISTRY OF DEEDS AND MORTGAGES. F. Fransioli to Stephen Fransioli, trustee, deed of trust to secure $8160—lots two and three of the Dixon subdivision; W. W. Mitchie to Wm. L. Graham, deed of trust to secure $2000—lot on Echols street; J. M. Alexander to L. S. Lake, trustee—assignment; S. Roth to L. Levy, deed of trust to secure $2000—contents of store 107 Beal street; Stephen Fransioli to W. J. Porter, trustee—suit claim; Benj. F. Coleman to Mrs. Lucy H. Taylor—deed, 3 lots in Raleigh; S. Roth to Louis Levy, deed of trust, to secure $1000—goods and fixtures of 107 Beal street; A. Vaccaro to J. J. Worsham—agreement; J. M. Wells, administrator, to M. J. Waldran, deed to 108½ acres of land in Shelby county.

RISTORI'S DEBUT IN MEMPHIS.—The company having arrived, the long expected and much talked of appearance of the celebrated Ristori troupe takes place to-night at the Greenlaw opera house, on which occasion the house will no doubt be filled to witness the appearance of this celebrated queen of tragedy in her masterpiece of *Medea*. This play was originally written by Je Gouve for Rachel. She refused to enact it. Shortly afterwards Madame Ristori took it up, and such was her success that the author wrote to say: "Rachel killed me; you, madame, have brought me to life." By reference to the advertisement in another column, it will be seen that the price has not been reduced, but a scale made that will enable all to attend. Some good seats can still be obtained by application at the box office.

IMPUDENT COLORED TROOPS.—The colored soldiers who congregate in the vicinity of the corner of Main and Gayoso streets, have become very impudent and troublesome of late, not even making way for ladies to pass, but blocking up the sidewalk in such a way as to cause citizens to go round by the way of the gutters, or take the street for it. On Sunday, a number of them gathered at the corner named, and refused to move even at the request of an M. P. Officer F. Wright *asked* them to give way, which they refused to do, one of the braves even offered to draw a pistol, but the officer was too quick for him, administering a blow of his club, and giving the alarm. Assistance arrived and the colored troops driven to their quarters. Who is to blame for this disorderly conduct? If colored soldiers are permitted to resist the lawful authorities in the discharge of their duties, what kind of order will we have in our streets? The officers who have control of these recruits should see to it.

LECTURES.—The committee appointed at the meeting on Friday last for the purpose of getting up a course of lectures for the benefit of widows and orphans of Confederate soldiers who are needy, have selected the Tabernacle on Court street for the purpose. The first lecture will be delivered this evening by the Rev. Dr. Ford at the above place. The subject chosen is "Greece and the Battle of Marathon." To enable all to contribute to this most worthy object, the price of admission has been fixed at fifty cents. The lamentable fact that a large proportion of the noble women of the south wear the widows' weeds, and alas in too many cases (for the impoverished state of our people) have numbers of young children clinging to them for support, caused by the loss of loved ones, who offered up their lives on the sacred altar of their country, in a glorious but lost cause, should be enough in itself to elicit a hearty response to the appeals of the committee. We trust that not only the opening lecture, but every one of the course will be largely attended, and we advise those who are unable to attend in person, to purchase tickets, and contribute to this most laudable object. Tickets can be obtained at the book, drug and music stores.

ANOTHER DARING OUTRAGE

A Notorious Negro Saloon Keeper Defies the Police.

Shots are Exchanged Between Parties---"Nobody Hurt."

A negro, who rejoices in the name of Bob Church, keeps a billiard and drinking saloon on the corner of Gayoso and DeSoto streets, and during last summer run a beer garden on the same lot; much to the annoyance of the peaceably disposed vitizens in that vicinity. He has from time to time given much trouble to the police, and been often arraigned, but in most cases was able to get clear. In fact, so fortunate has he been in this way that he came to the conclusion that he could do as he pleased. On Sunday officer Sheffield, in passing this place, was obliged to go in the gutter to get past. He respectfully asked them to disperse. To this Bob Church replied very impertinently and refused to obey the request of the officer. Being threatened with arrest, he defied the police and said he was as good as any white man, and they dare not arrest him. The officer made the arrest. Taking Church by the arm, he said let him go and he would walk along to the policestation. The officer did so, when Church stepped back to the door and again refused to go, when the officer called for assistance by means of his whistle, when Church drawing a pistol, said: "If you blow that whistle I'll blow the top of your head off." The M. P. did blow the whistle, and Bob, true to his word, attempted to fire his pistol, aiming at the officer's stomach, but the cap did not explode. The officer then struck him over the head with his pistol, inflicting an ugly wound, the concussion causing the pistol to go off. Several shots were exchanged, and it is indeed wonderful that no lives were lost. Several policemen came up, and Church was secured and taken to the station. As might naturally be supposed, the excitement for a short time was very great, but soon (apparently) quieted down. Several charges were preferred against the negro, Church, the chief of which was, shooting with intent to kill, upon which charge he was examined before Mr. Justice Moore, but was discharged, two white men—as we are informed—swearing to convict, and several negroes to exhonerate him. This is one of the beauties of negro testimony. He will be tried on the minor charges before the police commissioner on Wednesday evening. Our readers will remember that but a few days ago a private citizen was murdered in cold blood by a negro; and fortunate it is, that we have not another scene of horror to record. Some decided and vigorous measures should be taken to prevent what has almost become promiscuous street shooting, and the police cannot be too stringent in enforcing the law in this particular. The locality where this fracas took place has long been the resort of idle gambling and worthless negroes; the vagrancy ordinance might be executed here with some good effect. While negroes are this permitted to carry things with a high hand, the lives of neither the officers of the law or of peaceable citizens are safe. Let something be done, and that right speedily.

JEFFERSON INSURANCE AND TRUST CO. whose card also appears in our columns, transact a brokerage business, and confine themselves to dealing in gold, city and county scrip, and all kinds of uncurrent money. Those having any business in that line will consult their interests by giving them a call.

CIRCUIT COURT.—This tribunal is now in session at Raleigh. Several cases of larceny, etc., have been disposed of. Ed. Bartlett was on his trial for murder. After the case had occupied the attention of the court for some days, one of the jurors disappeared, and has not since been heard of. The jury was discharged, but the prisoner held; his counsel claim his discharge.

BURIED.—On Sunday the remains of M. G. Barbierre, the estimable wife of our now afflicted friend, Maj. Joe Barbierre, were followed to their last resting place by a large concourse of our citizens. We deeply sympathise with our friend in his bereavement, but He who doeth all things well knows what is best, and the poor, short-sighted mortals must learn to submit to His All-Wise decrees with grace and humility.

NEW MEMPHIS THEATER.—Miss Blanche DeBar appeared last night as "Martha Gibbs" in the drama entitled *All That Glitters is not Gold*. Her rendition of "Martha Gibbs, the Factory Girl," was a plain, natural and unaffected piece of acting, while her singing was loudly encored. Mr. Wheelock played "Stephen Plum" in his usual careful manner. The house was well filled, and highly fashionable. To-night we have Miss DeBar in Shakspeare's great play of *As You Like It*.

CHANCERY COURT—*Hon. Wm. M. Smith, presiding.*—E. M. Apperson vs. DeSoto Insurance and Trust Company. This case, which is now being tried before Chancellor Wm. M. Smith, judge of the chancery court, being a very important case; one which concerns not only the interests of the DeSoto and other insurance companies in our city, but every citizen of Memphis, and more especially merchants and cotton factors, who are continually taking out policies of insurance. We give an abstract of the proceedings and the evidence of the case. The motion of the defendants to rule out parole evidence, where there is a written contract extant, has not yet been acted upon by this honor Judge Smith. The evidence has been proceeded with the understanding being, as a matter of course, if the motion is sustained, that all the depositions which have been read in presence of the judge will be entirely disregarded and the merits of the case will be decided alone upon the policy as issued by the defendants.

On Saturday the counsel for the complainants moved to exclude the depositions of J. G. Lonsdale, Sr., secretary of the aforesaid company, and also that of his son, J. G. Lonsdale, Jr., which motion the court overruled as regards the former, and holds the latter under consideration. The grounds upon which the complainants make the above motion are that Mr. Lonsdale, Jr., was, at the time the fire occurred and within a few days previous to deposing, a stockholder, and that according to the provisions of the charter of the company, he is still responsible for his share of any loss the company may have sustained at the time he was a stockholder. Under the clause providing that in case of failure of the company to pay its liabilities, each stockholder shall be liable pro rata. The defendants, however, hold that he is not responsible, as above stated, but that the responsibility falls upon the purchaser of said stock.

DEPOSITION OF G. V. RAMBAUNT.

In the fall of 1865 was in business with E. M. Apperson as clerk. Fifty-one bales of cotton were received about August, 1865; they were stored in Mr. Apperson's storehouse; afterward removed to Clarkston's cotton shed, on Court street. They were advanced on largely, and destroyed by fire about the 30th of September, 1865. Mr. Apperson insured with the DeSoto exclusively. In case of too large an amount Mr. Lonsdale reinsured. I, called on Mr. Lonsdale and notified him that this cotton was in Clarkston's shed; told him we had cotton in two sheds, and wished both covered; said he did not wish to increase the insurance; replied, neither did I, but wished it included. Lonsdale said it would be like taking two risks on one premium, but said, "I'll fix it, I know the old men, I know what to do." Left shortly, and told Mr. Apperson what had passed. I thought the cotton was insured. I am satisfied Mr. Lonsdale did not say positively he would not take it during Mr. Apperson's absence from the city. I applied for insurance on one hundred bales of cotton—$15,000. Mr. Lonsdale said, "No, take $10,000." I know what Mr. Apperson wants, and what would please him better than you; and being aware of the intimacy existing and the confidence reposed in Mr. Lonsdale, I acted on his suggestion. I attend to Mr. Apperson's business, and leave supervision when he is absent, and simply notified Mr. Lonsdale when this cotton was removed, telling him I wished it covered, and moved it simply upon that notice. I heard a conversation between Mr. Lonsdale, jr., and Mr. Apperson, referring to a certificate for $10,000 on Mr. Apperson's cotton, for five months. Mr. Apperson said in a rather emphatic manner, "Well, now you go back to your father, he knows what I want, and not to send it to me in this way, that I want all my cotton insured. I have always paid my premiums, and if a fire does occur, I want no babble—I want my money." This, I think, was repeated, and Mr. Lonsdale, jr., left.

Cross-Examined.—Both the sheds on Court street are known as Clarkson-sheds; up to the time I went to Mr. L., Sr., I did not hear it called Clarkson's; the cotton was insured for $10,000, though Mr. Lonsdale could not say in what company; I do not think I ever saw the policy; could not say it read to cover Clarkson & Co.'s shed; I applied to Mr. Lonsdale to make the transfer; do not remember his making any such endorsement; I think it was left and he returned it; I do not know that Clarkson had but one shed when I applied for the transfer; I have not examined the certificate of insurance as requested; I have declined to read the policy for the reason that I never read it, as I did not care to give any further information relative to the suit; I only wished to state precisely what I already knew; Mr. Wade was engaged in saving the cotton the next day after the fire; I don't know he was working for Mr. Apperson; thought he was acting on his own account.

DEPOSITION OF J. J. QUIRLEY.

Was in the office of Apperson at the time the conversation between Apperson and Lonsdale, jr., in regard to the certificate; heard Mr. Apperson say, "take this book to your pa; have it fixed right; I always pay my premium promptly; if my cotton is burned I want my money, and don't want any trouble;" I was in the office when Mr. Lonsdale, jr., returned the certificate; Mr. A. was out; I put it in the safe; I did not show it to him before the fire occurred; don't know that he saw it before the 2d of October, after the fire.

Cross Examination.—Am book-keeper in Apperson's store; this conversation occurred about the 27th of September, 1865; Mr. Apperson might have got the certificate out of the safe and placed it back and I not have seen it.

CALENDAR FOR FEBRUARY 5, 1867.

A. D.
665. Wm. M. Bayliss vs. H. B. S. Williams.
668. Elenora Greenlaw vs. same.
H. D.
666. Thos. S. Marr vs. Bank West Tennessee.
H. D.
455. A. M. Boyd vs. C. H. Adams et al.
580. D. C. Cross vs. R. Jopp et al.
R. D.
646. J. M. Provine vs. D. Stewart et al.
R. D.
775. J. V. Randell vs. E. P. Harris.
776. Wm. Gaffney vs. Wm. Ferguson.
R. D.
785. Lyman Parkhurst vs. E. F. Risk et al.
H. D.
650. C. J. Polk et al. vs. Armour et al.
R. D.
1448. J. Gumbinger vs. E. Irvine et al.
J. B. Kutland vs. W. L. Grilling et al.; trial decree.
Wm. Foster vs. James Maydwell; motion to dissolve injunction overruled.
Mary E. Robyns vs. Benj. R. Robyns et al.; decree of sale.

Coal.—Bigley, Mellersh & Co., No. 52 Jefferson street, have spendid Pittsburg coal. Leave your orders. feb4-tf

Smokers.—The popular smokers' emporium, at the White house, No. 15 Madison street, has changed hands, and is now stocked with one of the best assortments of cigars, pipes, tobacco holders, tobacco pouches, and, in fact, every article required by a smoker—all of the very finest quality. Call and see our neighbor; you will find him O. K.'s.

Rosvilla segars to be had at White house segar stand, 15 Madison street.

Plows manufactured by Treat & Hamilton on Madison street, Memphis. jan29 6t tf

The Best of imported segars to be had at the White House segar stand, 15 Madison street. feb2 1w

Dr. Pitt, French physician, makes chronic diseases a specialty and guarantees cures after examination. Medicine furnished gratis. Office 208 Main street. jan25 3m

Treat & Hamilton manufacture plows in Memphis. jan2 6t tf

Catarrh.—The origin of catarrh is in most cases *a neglected cold*, which can be relieved by the use of "*Brown's Bronchial Troches*," by soothing the irritated and inflamed membrane extending from the nose to the throat. For coughs and throat diseases the troches are of great service.

We learn that the Chelsea high school will reopen on Monday next, as by that time three trustees will be called to select competent teachers to take charge of it from the several applications already made to them.

Partagas and Prince Wales cigars to be had at White house segar stand, No. 15 Madison street. fe2-1w

Carpets, wall paper and curtains, at J. Grieshaber's, 375 Main street. Ja24 1m

All kinds of smoking tobacco to be had at White House segar stand, No. 15 Madison street. feb2-1w

Frank's House.—To recommend FRANK SALTALAMACHIA'S saloon, No. 15 Jefferson street, may seem entirely superfluous, as he has already established a reputation in this city for keeping liquors of all kinds surpassed by none and equaled by very few. Those, however, visiting the city, who may desire to imbibe the purest and best of liquors, or indulge in the justly celebrated MOBILE OYSTERS, of which he is constantly receiving fresh supplies, will be well repaid by giving him a call. feb2-tf

The finest Virginia tobacco, Holland's Empress, Lester's fig, Grape juice, Ferguson Natural leaf, to be had at White House segar stand, 15 Madison street. fe2 1w

That Splendid Property on the corner of Second and Adams streets, will be sold this day to the highest bidder, for cash only. This sale will no doubt attract many buyers, for it is seldom an opportunity like this offers for so good and profitable an investment. Terms of sale: one-third down, the balance by the 1st of March next.

Home for the Homeless.—The members of this organization held a meeting at the residence of Mrs. Col. M. C. Gallaway, for the purpose of electing officers for this year, which resulted in the election of Mrs. E. H. Porter, president; Mrs. Brunson Bayliss, vice-president; Mrs. Phoebe T. Edmunds, treasurer; Mrs. Dr. James M. Kellar, corresponding secretary; Miss Eudora Bayliss, recording secretary; president of the board, Mrs. Col. M. C. Gallaway.

By order of the president.
MISS EUDORA BAYLISS, Rec. Sec'

Jewelry Store for Sale.—A good chance offered to buy an old and well established business "stand;" none better in the city. Apply at 217 Main street, under Worsham house. de20 tf

SPECIAL NOTICES.

Mrs. Dr. Harvey.—The world-renowned Clairvoyant and Magnetic Physician, whose instantaneous cures of disease and clairvoyant perception have been the wonder of the world, has arrived in Memphis and taken rooms for business at the Overton Hotel, office, room No. 26, where she can be consulted upon all matters pertaining to life and health. She treats all the so-called incurable diseases as specialties, to wit: Cancer, consumption, asthma, rheumatism, dyspepsia, epilepsy, heart disease, and female diseases, and all other chronic complaints with space for any and happy results. For particulars call or send for a circular. Prof. Harvey, the discoverer of a certain and painless cure for cancers and tumors, assists in her practice and compounds all her medicines. Address all letters to PROF. HARVEY,
de30-1y Memphis, Tenn.

Removal.—Drs. Mortimore & Payne have removed their office from the Commercial Hotel to the Worsham House, Room No. 23, (the one occupied by Dr. Mortimore the past four years), where all, who desire to, can consult them and procure treatment.

Special attention given to all the various forms of chronic diseases, especially Disease of the Lung and Throat, Disease of the Heart, Liver, Spleen, Kidneys and Spine, Dispepsia, Chronic Diseases of the Stomach and Bowels, Rheumatism, Neuralgia and Nervous affections; all the afflictive forms of Female Diseases, as also all diseases having origin in impurities of the blood and vital fluids.

Office hours from 8 o'clock a.m. until 6 o'clock p.m., daily. May 30tf

Pittsburg Coal—Briggs & Peterson—Office, 13 Madison street. Branch office, 341 Main.

J. E. MOSELEY, Agent.

A good price will be paid for a complete file of the Daily APPEAL, embracing the period from January 1st to June 6th, 1862. Apply at the Counting Room. No. 13 Madison street.

Agents Appeal.—R. T. BEMMY & SONS, Druggists and Chemists, Marietta, Ga., are sole agents for the APPEAL in Northern Georgia.

RIVER MATTERS.

Weather and Business.

The weather continues mild. The river here rose 2 feet in the past 24 hours. Business on the levee was brisk, with a good list of arrivals and departures. The Ohio is rising from Cincinnati down, with unobstructed navigation. The river at St. Louis is rising, with navigation open to Cairo. The Commercial reports White river rising rapidly. The Arkansas is stationary, with 4 feet to Little Rock.

Arrivals.

Steamer Welcome, Vicksburg.
" Die Vernon, Vicksburg.
" St. Patrick, Vicksburg.
" Sam Gaty, New Orleans.
" M. E. Forsyth, New Orleans.
" Lizzie Gill, New Orleans.
" Clara Dolsen, New Orleans.
" Virginia, Evansville.
" W. R. Arthur, Cairo.
" M. Hambleton, St. L. river.
" Commercial, White river.

Departures.

Steamer Welcome, St. Louis.
" Sam Gaty, St. Louis.
" Mary E. Forsyth, St. Louis.
" Lizzie Gill, St. Louis.
" Clara Dolsen, St. Louis.
" Virginia, New Orleans.
" W. R. Arthur, New Orleans.
" Laura Fenton, Louisville.

Boats in Port.

St. Patrick, Die Vernon, Commercial, Guidon, Darling, Belle Memphis, Mollie Hambleton.

Miscellaneous.

Grim winter which for the past two months has blocked the rivers with ice and suspended navigation, throwing out of employment hundreds of steamboatmen, and checked commercial pursuits along the river courses, has ended, and we much fear the ice blockade will be followed by a disastrous overflow. The ice and snow along the river courses is thawing rapidly, and from every section we have encouraging news of resumption of navigation, and we trust the dull times that we have had on the river for the past two months will be followed by a brisk and busy spring season. Freights along the Ohio and Mississippi will be plentiful, with fair rates for two or three months.

The Welcome, Sam Gaty and Clara Dolsen passed up Sunday for St. Louis.

The steamer Die Vernon came in from Vicksburg with a good trip.

The Laura Fenton cleared for Louisville last night with 850 bales of the staple.

The Mary Forsyth, from New Orleans for St. Louis, passed up yesterday with a fair trip. She put off 100 tons of miscellaneous freight at this place.

The Commercial came in yesterday from White river with a good trip.

The Lizzie Gill, from New Orleans for St. Louis, passed up yesterday. She received here 400 bales of cotton for Cairo.

The Virginia and W. R. Arthur passed down for New Orleans, with very good trips.

The Darling, Capt. Chenoweth, came in yesterday from Cincinnati, with a heavy trip. For three weeks past she has been battling with the ice in the upper rivers. She reports river clear, above.

Capt. George H. Alcoke, of the steamer Alice Dean, has been appointed secretary of the Marine charitable association, at Cincinnati.

The Belle Memphis, from Cairo, discharged a full cargo of produce and merchandise.

The Melnotte is to be sold by the marshal at Cincinnati.

The citizens of Richmond, Va., are getting up a beautiful flag to be presented to Capt. Stut. Neal, of the new steamer Richmond.

Capt. Pratt, late of the steamer Fashion, has gone into the grocery business at New Orleans.

We are informed that the gorge at Hog Island has given way. At Cape Girardeau the river is reported to have risen three feet in twenty-four hours.

The new steamer, Phil. Sheridan, has entered the St. Louis and Vicksburg trade as a regular packet, under the command of Capt. A. H. Hutchinson.

BURNING OF THE STEAMER LADY FRANKLIN.—The Lady Franklin, lying at Algiers, being repaired and cleaned up, caught fire on Friday evening, and was entirely consumed in twenty minutes. The fire broke out in one of the staterooms and it is thought that sparks from a passing tug ignited the bedding in the stateroom. The boat was entirely destroyed, and her hull sunk in deep water. Capt. Finkbine, her commander, Mr. Hoffman, her clerk, and Mr. Gill, of Cincinnati, were her owners. She was valued at $15,000, and insured in Cincinnati offices for $10,000. She was engaged in the Cincinnati and New Orleans trade.

REPORT OF THE OHIO RIVER SURVEY. The report of the superintending engineer of the Ohio river improvement is a very long document. He enters upon a full consideration of the coal trade, and says the improvements of the river should be so planned and executed as not to interfere with the present system of coal boating, but so arranged as to benefit both coal boat navigation and low water steamboating. He recommends a continuation of the present system of rip-rap dams for deepening the channel, and says that the considered tion of the improvement of the river which will give a permanent navigation never less than five feet deep, has not yet been entered upon so fully as to justify any recommendation at this time of any plans for accomplishing so important and desirable result. He adds in conclusion: That nine rip-rap dams between Pittsburg and Buffington Island are to be completed immediately. There are ninety-five places on the river where more or less work in the shape of rip-raps or wing-dams may be needed, or where bars or channels may be otherwise improved. The approximate estimate of the cost of surveys from the end of the old survey to the falls at Louisville is $10,000; from Louisville to Cairo, $120,000; for snagging removing obstructions, $50,000. Probable exdenditure for year on rip dams, $200,000. Appropriations required for the next fiscal year, $100,000.

STEAMER LILLIE MARTIN SUNK.—The Lillie Martin, bound from St. Louis for this port with a full cargo, was sunk on Monday by the ice. She was weather bound about six miles above St. Mary's landing, by the breaking of a gorge. The river fell so fast that the bow of the steamer was caught on the bank. The river declining rapidly caused her to break in two; her boilers fell in the hold. The boat and cargo will prove a total loss: the entire starboard side, from the boilers aft, was crushed in. She was valued at $25,000 and insured for $15,000 principally in Cincinnati. Capt. H. G. Patterson owned one-half, Messrs Boylard & Getty three-eighths, and John Morrison, of Iowa, formerly steward of the steamer Henry Ames, owned one-eighth. The Lillie Martin was a Stern-wheeler, built in 1763, cost $24,000, and registered 210 tons. Her freight was insured for $2000.

Capt. Murphy, of the Evening Star, sold one-fifth of that steamer to Capt. Bryan, formerly of the Mill Boy, for $4000. Capt. Bart. Able sold to Capt. Wm. Ashford one-fourth of the Albert Pearce for $5000.

The St. Joseph papers understood that the government has issued orders that contracts be let for carrying 40,000,000 pounds of freight from that point to military posts on the upper Missouri and elsewhere in the west the coming season. It is said that the Missouri is to be bridged at Omaha and Kansas City, and perhaps at one or two other places.

The Clifton, Capt. Stein, will be at the wharf to-day to receive for Cincinnati, and will leave on Thursday at 5 p.m.

The Olive Branch, Capt. Jones, will leave the city wharfboat to-day at 5 p.m. for New Orleans and all intermediate landings.

The steamer Paragon, Capt. Callahan, will leave the city wharfboat to-day at p.m. for Vicksburg and all way points in the bends.

FOR CINCINNATI.—The new and elegant steamer Clifton, Capt. Stein commanding, will leave on the above packet this day at 5 p.m. Larry Harmstad & Co., agents.

FOR CINCINNATI.—To-day at 5 p.m. the swift and reliable packet Darling will shove out for the above point. Capt. Chenoworth is her chief officer, which is sufficient to insure her a full list. Larry Harmstad & Co., agents.

FOR CINCINNATI.—The splendid and reliable passenger and freight packet Paragon, Capt. Calahan, backs out from the city wharfboat this evening at 5 o'clock for the above port. The Paragon is well officered and one of the most successful boats on the river. Larry

MEMPHIS APPEAL.

THE CASTLE-BUILDER.

BY H. W. LONGFELLOW.

A gentle boy, with soft and silken locks;
A dreamy boy, with brown and tender eyes;
A gentle-builder, with his wooden blocks,
And towers that touch imaginary skies;

A fearless rider on his father's knee;
An eager listener unto stories told
At the round table of the nursery
Of heroes and adventures manifold:

There will be other towers for thee to build;
There will be other steeds for thee to ride;
There will be other legends, and all filled,
With greater marvels and more glorified.

Build on, and make thy castles high and fair,
Rising and reaching upward to the skies;
Listen to voices in the upper air,
Nor lose thy simple faith in mysteries.

OUR IDOL.

Close the door lightly,
Bridle the breath,
Our little Angel
Is talking with death;
Gently he woos her,
She wishes to stay;
His arms are about her—
He loses her away!

Music comes floating
Down from the dome,
Angels are chanting
The sweet welcome home.
Come, stricken weeper,
Come to the bed;
Gaze on the sleeper—
Our idol is dead!

Smooth out the ringlets,
Close the blue eyes;
No wonder such beauty
Was claimed in the sky;
Cross the hands gently,
O'er the white breast,
So like a wild spirit
Strayed from the blest;
Bear her out softly,
This idol of ours,
Let her grave slumbers
Be 'mid the sweet flowers.

THE SPIRIT OF PENNSYLVANIA.

Speech of Hon. Simon Cameron.

HARRISBURG, January 15, 1867.—This afternoon a public gathering was held at one of the hotels in this city, at which speeches were made by Attorney General Brewster, Senators Lowry, Landon, and Gen. Cameron. In the course of his remarks Gen. Cameron said:

Your greeting is very kind and cordial, and I thank you for it. I thank God that in spite of the slanders that my enemies have heaped upon me for twenty years, my fellow-citizens, who have seen my life from day to day, have always stood by my side and helped to repel them. This last struggle of my political life has ended in victory. I desired this as an answer to vindicate my honesty to my children and my friends. I now propose to put these slanders behind me, and to forget alike the liars who concocted them. Of the eighty-two republican members of the legislature, my friends assure me that sixty-three of them preferred me to any other candidate, and would have voted for me rather than have witnessed my defeat. I go forward to the honorable duties to which my native state has called me for the third time. Six years ago I thought that slavery was the strength of the rebellion, and ought to be destroyed without delay, and I wished also to arm the black men who would volunteer. I thought that clothing a black man in the American uniform clothed him also with the rights of an American citizen; and I am always sorry to see a black soldier and reflect that even Pennsylvania denies the ballot, the only weapon with which he can protect himself. I hope to live to see the word "white" stricken from our own constitution, and the spirit of caste based upon color utterly destroyed. The South, however, is more controlled by social than political influence. If you are wise and firm, you may possibly elevate the rising generation into loyalty, but there is no method of safe emancipation which will make this generation of the south loyal to the union and to the flag. The southern territory is disloyal, and the loyal men of to-day must guard their children against another treason and rebellion. The constitutional amendment and impartial suffrage will help to do, but universal amnesty will help to undo it. Of Andrew Johnson I said long ago that he was a traitor to his party and an enemy of his country, and a liar and a man. He has done many bad things, but nothing worse than offering the offices of the country to those few unprincipled men who agreed to desert and betray the great republican organization for his patronage. He joined the democratic party long ago, and he has the right to give them the offices, but he has no right to dispose of them at auction to weak-kneed republicans.

The pauper labor of Europe is again competing with our labor, and our manufactures languish for want of protection against it. Pennsylvania needs no assurance of my devotion to her interests in this regard, which is the interest of the whole country. I will continue to labor, in season and out of season, to protect our manufactures from ruin and their workmen from being turned out of employment, or their wages reduced to a starvation point, for I hold that the true welfare of any nation depends on its laboring classes."

Gentlemen, I trust that this is my last political struggle. I have nothing more to desire, and I hope we will all forget the bitterness, the unjustifiable bitterness of the late contest. For my part, I will try to act as a representative of all the radical republicans of Pennsylvania, without regard to past differences or dissensions. I cannot forget my friends who have stood by me so nobly, but I will try and forget and forgive the unjust calumnies and the political opposition I have experienced.

MISCELLANEOUS ITEMS.

The Gothamites are seriously agitating the project to build a bridge across East river, between New York and Brooklyn.

The Marion (Arabama) *Commonwealth* says: The roads of Perry are filled with emigrants going westward.

The Boston *Post* compares the republican party to a broker's shop, full of unredeemed pledges.

The Indiana legislature has ratified the constitutional amendment.

It takes more to run the freedman's bureau than it did the whole government under Jefferson.

The Louisville *Journal* is urging the Kentucky legislature to make an appropriation in aid of the sufferers in the southern states.

The Colorado legislature have passed, over the governor's veto, an act preventing negroes and mulattoes from sitting on juries.

The improvement in the New York legislature to adopt the French system of taxing and inspecting houses of prostitution, finds favor with several prominent clergymen.

The United States steamer Winooski is engaged in making soundings for the submarine cable between Florida and Cuba.

Elizabeth Cady Stanton, Charles Lenox Redmond, Louisa Jacobs, and Susan B. Anthony are stumping New York state in favor of universal suffrage, including woman suffrage.

A European correspondent states that both Greece and Turkey are preparing to send ministers to represent them to the government of the United States.

The city of Louisville has authorized the loan of the city's credit to the amount of one million dollars, in aid of the extension of the Lebanon branch railroad to the Tennessee line.

The line of the Western Union telegraph connecting Eufala, Ala., direct with Macon, Ga., was completed on the 11th instant, and despatches passed over the wires.

The Richmond *Enquirer* states that a limited number of Gen. Jubal A. Early's history of the last year of the war will be printed, and none for sale. The book is (printed in Toronto, Canada, for private circulation.

Capt. Maffit, of the late Confederate navy, who, during the war, commanded the privateers Florida and Alabama, arrived at New York recently in a steamer from Europe, and will for the present remain in that city.

Advices from Galveston, Texas, report the arrival there of several hundred white emigrants from Georgia, their homes being already secured, and preparations made for immediate work.

In several counties of Mississippi the contributions to the Davis relief fund have been quite large. In Claiborne, up to the 1st instant, the sum of $684 was collected; in Marshall, over $200; in Rankin, over $100; in Hinds, $67.

A war between Greece and Turkey, growing out of the Cretan revolution, appears to be imminent. Greece is preparing for it. The sublime porte has addressed a letter to the three protecting powers, England, France and Russia, asking their interference, which will not probably be accorded.

The Kentucky house of representatives has instructed its committee on the sinking fund to inquire into the expediency of selling the stocks owned by the state in internal improvements, amounting to $4,840,475, and applying the proceeds to the payment of the state debt.

FOREIGN ITEMS.

The grand duke of Baden has conferred the cross of the sovereign order of fidelity on the king of Spain.

The entire strength of the army in Ireland at present is 24,700, officers and men. Last January the number was slightly greater.

The journals of Madrid mention that a large quantity of snow has fallen in the neighborhood of that city, and has been followed by a very severe cold.

The king of Prussia has given, as a Christmas present to Count de Bismarck, General de Roon, and Count de Moltke, some magnificent porcelain vases, bearing his portrait.

It is proposed to convene a meeting of the working classes in London, for the purpose of eliciting their views as to the causes which alienate them from religious worship.

It has been affirmed on credible authority that, if he lives, the young Lord Beigrave, son of Earl and Lady Constance Grosvenor, and grandson of the Marquis of Westminster, will be the wealthiest man in the world.

The Louvre Museum has just purchased for fifty thousand francs, six frescoes by Luini, from a palace at Milan. They are said to be important, both from their size and artistic merit.

An engineer of Trent, M. Garalfo, has invented a new needle gun, which fires fifteen shots a minute. The gun is four feet long, weighs seven and a half pounds, and carries a ball five and a half lines in diameter.

A communication from Saxony states that the costs of the war to that kingdom will amount to eighty millions and a half of francs, without reckoning the enormous losses suffered by trade and commerce.

Several continental papers give curious statistics of assassination. The proportion of murderers is: In England, 1 in 62,000 souls; Holland, 1 in 163,000; Prussia, 1 in 100,000; Austria, 1 in 77,000; France is left out of the calculation.

A number of Parisian seamstresses have been suffering from violent colics from putting their silk they use in sewing into their mouths. This is attributed to sulphate of lead, and the presence of that deleterious substance is explained by the fact that, as the silk is sold by weight, some manufacturers mix the sulphate with it to make it heavier.

The general omnibus company of Paris will increase the number of its vehicles by fifty-eight from the 1st of April; these will form part of the special service to be established during the exhibition. Additional cabs to the number of five hundred, will also be started during that period. Since the abolition of the monopoly the number of those vehicles in Paris, street cabs or flys, is five thousand, and of omnibuses seven hundred, including those belonging to the railway companies and those which run to places in the environs of Paris.

The favorite pet of the animal creation in all Parisian households is gold and silver fish. You see them in every drawing room, on every shop counter, in every window. Last year 90,000 francs' worth were sold in Paris, the current price per fish being fifty centimes. It is easy to calculate that 150,000, cyprins have been disposed of in that metropolis. If you add to these 150,000 those sold in preceding years, we shall arrive at a sum total of 400,000 fish; that is one for every six Parisians.

RIVER TUNNEL AT DETROIT.

Proposition to Run Trains from the States to Canada—A Monster Enterprise.

Chicago having set the example of a lake tunnel, the City of Straits is about to follow it, not for the procurement of water, but for facilitating travel. Encouraged by our success in burrowing in the earth, she is talking about a tunnel under the Detroit river, three-fourths of a mile wide, through which the trains of the Michigan Central and Great Western railroads are to pass, thus obviating the tedious necessity of ferrying, and giving a through passage between the United States and Canada; E. C. Chesborough, Esq., city engineer, so well known, has been asked to present plans for the method of conducting the work. It is understood that preliminary surveys have been made at frequent intervals along both banks of the river, and the material, to the depth of eighty or ninety feet, found to be a uniform clay nearly equal for tunneling purposes to the clay of Chicago tunnel.

Encouraged by these experiments, Mr. Chesborough has decided to bore across the channel at intervals of one hundred feet, and if it is found that the material is equal to that already found on the shore, begin the tunneling at once.

If undertaken, the tunnel will be three-fourths of a mile in length, admitting one pair of rails, which will be laid at a depth of sixty feet beneath the surface of the water. A double track is considered unnecessary, and would be attended with much greater expense. The grade incline at each end of the tunnel will necessarily be somewhat great, as the descent to the surface of the water will be twenty or twenty-five feet below the surface of the ground, and a long grade will be necessary to reach across, making a total grade of eighty feet, which at one inch to the foot would require a length at each side of one thousand feet, or a little shorter than one-fifth of a mile; making the tunnel altogether one and a quarter miles long. We understand that the ground on both sides of the river is so owned as to be available at once for the purposes required, and nothing remains, if the preliminary surveys are found satisfactory, but to push the grand work through. The cost of the tunnel is estimated at two and a half millions of dollars, and the time required from two to three years.

When the gigantic enterprise is accomplished, another through route will be open from the Missouri to New York without ferriage or change of cars, the great rivers being spanned by the bridge over the Mississippi, the tunnel at Detroit, and the suspension bridge at Niagara Falls.—*Chicago Tribune.*

DEPARTMENT NEWS.

From the National Intelligencer, January 28 (*National Bank Currency.*—For the week ending the 26th instant, national bank currency to the amount of $104,275 was issued by the acting comptroller. The total circulation issued up to date is $300,967,886; actual circulation, $288,748,964, both securities are held as follows: For circulation, $240,514,060; and for deposits, $38,761,450. Total securities held, $279,275,450.

Treasury Disbursements.—The disbursements of the treasury on account of the war, navy, and the interior departments for the week ending on the 26th instant, were as follows: War, $814,508; navy, $2,943,976; interior, $211,602. Total, $4,970,086.

Receipts from Customs.—The following receipts from customs, from the principal ports of the United States, have been reported to the commissioner: From New York, Philadelphia, Boston and Baltimore, respectively, $2,360,740 39, $172,674 61, $169,859 10, $123,601 01. At New Orleans, from January 5th to 12th, $126,966 75 was received from this source, and at San Francisco, from December 15th to 22d, $107,577 93. The receipts from all these ports, with the exception of Boston, have greatly increased within the past few weeks.

Fractional Currency.—$407,00 in fractional currency was issued by the printing division of the treasury department last week. During the same period the following shipments were made: To New York, Philadelphia and Boston, each, $100,000; to the United States depository at Baltimore, $70,000; to the United States depository at Chicago, $50,000, and to national banks, $150,-104 91.

Internal Revenue.—The receipts from this source on Saturday last were $565,-936 15, making the total amount received during the week $3,400,776 35.

THE IRON-WORKERS' STRIKE.

Magnitude of the Combination—Stubborn Determination of Both Masters and Men.

From the Pittsburg Post.)

The strike which is at present in operation among the iron moulders and workers of Pittsburg and vicinity is said to be the most extensive combination, and the most thoroughly organized, which has ever taken place on the continent of the largest ever attempted in the world. The ramifications of the "union" not only extend throughout the entire United States, but likewise reach the British provinces, and "lodges" of the union exists in both Canadas. All the different combinations of the order are in daily epistolary, and, when the necessities of the case require it, in telegraphic communication. An immense fund has been raised, which is taken charge of by the proper officials, who, when called upon by the the strikers of a particular vicinity, disburse a proportion of it—five per cent., we believe—for the sustenance of the strike until the employers shall be forced to succumb, and pay the price demanded by the union. Stewards, as they are called, we understand, are appointed over the different districts, who allot to each man his proportion in the ratio of his former wages or his necessities. The men now "out" are determined to "see the thing through," they say, averring that all manner of expenses are as great at the present time as ever before, and that their employers have no justification in their effort to reduce their wages.

The manufacturers, on the other hand, insist that to keep on running their mills at the high rates which they have been hitherto giving, is ruinous, and that rather than do so they will cease operations, choosing rather to make no more money than to lose all that they have already earned.

As our readers are aware, most of our mills have ceased, and the remainder are in daily expectation of so doing. We are informed that many of the iron workers have of late been engaged clearing the snow from the railway tracks of some of the roads leading out of the city, choosing rather that than to return to work at the reduced terms. They say that they will hold out until summer.

What is the congressional plan of reconstruction? That is a puzzling question. At least Mr. Ashley found it so on Saturday, for he was evidently posed by it when it was first thrust at him by his colleague, Mr. Finck. He, however, announced that he would answer before he got through; but on having the question repeated by his colleague at a later stage of his remarks, he conceded that there was no plan that the majority had yet agreed upon. Mr. Ashley belongs to that wing of his party that scouts the lately proposed amendment as a final settlement, but not being able to get the house to agree to his "advanced" views, he, with Mr. Stevens, complains of "the great diversity of opinion" existing on their side of the house. Yet these are the statesmen who have urgently sought the solemn responsibility of composing the troubles of this great nation!—*National Intelligencer.*

—The court of appeals of Kentucky has decided that while congress may impose penalties for neglecting to affix stamps to contracts and obligations, no such contract or obligation made under the laws of this state is invalidated, nor the legal rights of the parties thereto impaired by the absence of stamps, where the paper is otherwise legally executed.

LATEST BY TELEGRAPH

[WESTERN ASSOCIATED PRESS REPORTS.]

Noon Dispatches.

FROM NEW YORK.

NEW YORK, February 4.—A Washington special of to-day says the cabinet consultations with the leading southern men, ended last night in an agreement. A series of resolutions were drawn up at the conference, favoring a suffrage based on reading, writing, and a property qualification of $250, which should be submitted for adoption, to the southern legislatures, to pave the way for the submission of the question by the president in his message to the fortieth congress.

These resolutions were sent to all the governors of the several southern states to-day, accompanied by an advisory letter stating that they met the president's approval. The question of amnesty does not appear to have been an essential feature of the proposed plan.

Charlotte Hough has commenced a suit against Jordon, Mush & Co., of Boston, to compel them to divide one hundred thousand dollars, which they made by buying cotton in the south during the war through her agency.

The Southern Relief association has thus far raised $14,000.

FROM WASHINGTON.

WASHINGTON, February 4.—It is understood that the reconstruction committee have agreed upon a plan which, if adopted by congress, will be acceptable to the south and speedily settle the question. Leading southerners in Washington say their constituents will at once comply.

Secretary McCulloch approves the loan certificate proposition, and there is little or no opposition to it in either house.

The judiciary committee have done nothing in the impeachment matter, save by informal conference, to ascertain what could be proved to sustain Ashley's charges.

It is rumored that Sheridan will be sent to the plains to conduct the impending Indian war.

A special says it is definitely settled that articles of impeachment will be presented to the house at an early day, but the Senate will not take them up until the next session.

A prominent senator says the president informed him that if the tariff bill in its present shape, passed the house, he would be compelled to veto it. The senate can pass the bill over his veto; but it is doubtful whether the house can.

The *Tribune* says the reconstruction plan did not receive much encouragement before the committee on Saturday.

The New Orleans riot committee will report a bill for provisionally governing Louisiana until admitted to congressional representation under an enabling act.

FROM SAN FRANCISCO.

SAN FRANCISCO, February 4.—Camavacca, some forty miles from the city of Mexico, with the imperial garrison, was captured by Gen. Palueiz, who also routed the imperialists at Majelia and captured the city.

FOREIGN.

PARIS, February 4.—The *La Presse* thinks the presence of the American squadron in the Mediterranean only tends to complicate the eastern question.

FROM NASHVILLE.

NASHVILLE, February 4.—The test vote in the legislature to sustain negro suffrage was thirty-six against twenty-eight.

MISCELLANEOUS.

A. VACCARO, B. VACCARO. N. MAGEVNEY, JR. A. B. VACCARO.

A. VACCARO & CO.,

Importers and Dealers in

WINES, LIQUORS, SEGARS,

ETC., ETC., ETC.,

324 Front Street, Memphis, Tenn.

feb2 3m

DR. D. J. O'REILLY,

(Late of Louisville, Ky.

HAVING determined to locate permanently in this city, tenders his professional services to the citizens of Memphis. Office and residence on Main street, No. 276, between Madison and Court sts.

WHITEMORE HOUSE,

(LATE METROPOLITAN HOTEL),

Nos. 109 and 111 Adams Street.

THE PUBLIC ARE RESPECTFULLY INVITED to call and examine my House. Rooms are only Seven Dollars for Day Boarders per week. The very best table kept, and all the comforts of a home. Come and judge for yourselves. Z. H. WHITEMORE.

Jan29 1m

ANA SHELTON, W. R. PARHAM, Jr., Late of Shelt. Memphis, Tenn. Late with T. Johnson Jones & Co. Huntsville, Ala.

SHELTON, PARHAM & CO.,

COTTON, TOBACCO and

PRODUCE FACTORS

AND

COMMISSION MERCHANTS,

No. 230 Front Street,

Over Taylor, Cook & Co.,

MEMPHIS, TENNESSEE.

Cash advances on consignments. jan30 1m

HARDWARE.

CHOATE & CO.,

No. 232 Front Street,

MEMPHIS, TENN.

DEALERS IN

Hardware, Stoves, Plows, Wagons, Iron, Steel, Nails, Bells, Guns, Pistols, Cutlery, Blacksmith's Material, Woodwork for Wagons, And everything usually kept in a Hardware House.

J. KELLOGG, Of Little Rock. LLOYD V. OVERTON, Late of Arkadelphia.

KELLOCC & OVERTON,

RECEIVING, FORWARDING AND COMMISSION MERCHANTS, Little Rock, Ark. Consignments solicited.

REFERENCE: Thos. H. Allen, No. 266 Front street, Memphis.

jan26 1m

ATTENTION, MERCHANTS!

THE term of our copartnership having expired, and wishing to

Change Our Business,

we offer INDUCEMENTS to have you

Call and Examine our Prices

which will be

Very Low for Cash,

or approved paper at thirty and sixty days.

IVINSON & GILBERT.

Jan30 1f 284 Main street.

Grass Seed!

IN store and to arrive, wholesale and retail, GRASS SEED STORE, jan24 2m 269 Main street, Memphis.

COMMERCIAL LINE

New Albany & Indianapolis R. R., Columbus & Indianapolis Central R. R., Atlantic & Great Western Railway.

THIS new and already popular route will transport Cotton to

New York, Boston, Philadelphia, Baltimore,

AND

All Interior Manufacturing Towns.

Time quicker and rates as low as by any other route.

Through Bills of Lading given by

LEVY & MILLER, Agents, jan28 1f No. 8½ Madison street

LANDRETH'S WARRANTED GARDEN SEED!

CONSTANTLY arriving and for sale by C. CRAIG & CO., Wholesale and Retail Seed Store, Jan21 3m 379 Main st reet, Memphis, Tenn.

ICE! ICE!! ICE!!!

WE wish to call the attention of the ice dealers in the towns on the railroads and river to the fact that they can supply their supply in the spring, which we are unloading from barges, at much less prices than at retail, after we have been to the expense of putting it in store. Apply to or address

B. PHELAN, HOUSE & CO., 260½ Main street.

MISCELLANEOUS.

ÆTNA INSURANCE CO. HARTFORD CONN.

JANUARY 1, 1867.

ASSETS.

[AT MARKET VALUE]

Cash on hand, in Bank and with Agents	$ 481,799 20
United States Stocks	725,177 75
Real Estate, unencumbered	189,148 61
State Stocks	510,194 00
New York Bank Stocks	778,630 00
Hartford Bank Stocks	280,845 00
Miscellaneous Bank Stocks	141,350 00
Railroad Stocks, &c.	230,900 00
Mortgage Bonds, City, County Railroad	1,082,236 66
Total	$4,478,100 74

LIABILITIES.

Losses unadjusted and not due	$304,956 66
Net Assets,	**$4,083,123 78**

Sworn to and subscribed, January 1, 1867.

jan15 1m

Dissolution.

THE partnership heretofore existing under the style of GILBERT & HIGBEE is this day dissolved by mutual consent. The business of the late firm will be settled by H. H. HIGBEE, at 301 and 303 Main street.

SAMUEL GILBERT, H. H. HIGBEE.

January 1, 1867.

IMPORTANT CHANGE

REMOVAL.

MANSFIELD & HIGBEE

Successors to S. Mansfield & Co., and Gilbert & Higbee,

HAVE CONSOLIDATED THE TWO STORES in this city, and are the entire stock of Gilbert & Higbee to the large and commodious

DRUG WAREHOUSE

Of S. Mansfield & Co.,

Nos. 301 and 303 Main St.

Having this day disposed of my interest in the stock of Gilbert & Higbee to MANSFIELD & HIGBEE, who are entitled to recommend them to my friends, and earnestly bespeak for them a continuance and the liberal patronage extended to our old firm. Well satisfied of their business requirements and skill as Druggists, I wish for them the success which has attended the late partnership of GILBERT & HIGBEE.

This combination forms the most complete Drug Emporium south of New York, where every facility will be afforded the purchaser of buying goods in our line at manufacturers' prices.

We cordially invite and direct the special attention of all persons to this establishment before making their purchases either in the East or West, as our object and aim shall be to please a HOME MARKET, and to defy competition with all other cities.

Our Stock of Goods is Perfect and Complete at All Times.

Our experience in the trade of Memphis is such that we understand and know the wants of Druggists, Physicians, Merchants, Builders, Manufacturers and Planters in our line.

We shall have in our employ none but the most experienced clerks and assistants. All our arrangements will enable us to render perfect and complete satisfaction.

Thankful for the liberal and extensive patronage bestowed upon us, we endeavor by the strictest attention to business, and by the motto of "union" not only to extend throughout the entire United States, but likewise reach the British provinces, and "lodges" of the union exists in both Canadas. All the different combinations of the order are in daily epistolary, and, when the necessities of the case require it, in telegraphic communication. An immense fund has been raised, which is taken charge of by the proper officials, who, when called upon by the the strikers of a particular vicinity, disburse a proportion of it—five per cent., we believe—for the sustenance of the strike until the employers shall be forced to succumb, and pay the price demanded by the union. Stewards, as they are called, we understand, are appointed over the different districts, who allot to each man his proportion in the ratio of his former wages or his necessities. The men now "out" are determined to "see the thing through," they say, averring that all manner of expenses are as great at the present time as ever before, and that their employers have no justification in their effort to reduce their wages.

The manufacturers, on the other hand, insist that to keep on running their mills at the high rates which they have been hitherto giving, is ruinous, and that rather than do so they will cease operations, choosing rather to make no more money than to lose all that they have already earned.

As our readers are aware, most of our mills have ceased, and the remainder are in daily expectation of so doing. We are informed that many of the iron workers have of late been engaged clearing the snow from the railway tracks of some of the roads leading out of the city, choosing rather that than to return to work at the reduced terms. They say that they will hold out until summer.

What is the congressional plan of reconstruction? That is a puzzling question. At least Mr. Ashley found it so on Saturday, for he was evidently posed by it when it was first thrust at him by his colleague, Mr. Finck. He, however, announced that he would answer before he got through; but on having the question repeated by his colleague at a later stage of his remarks, he conceded that there was no plan that the majority had yet agreed upon. Mr. Ashley belongs to that wing of his party that scouts the lately proposed amendment as a final settlement, but not being able to get the house to agree to his "advanced" views, he, with Mr. Stevens, complains of "the great diversity of opinion" existing on their side of the house. Yet these are the statesmen who have urgently sought the solemn responsibility of composing the troubles of this great nation!—*National Intelligencer.*

—The court of appeals of Kentucky has decided that while congress may impose penalties for neglecting to affix stamps to contracts and obligations, no such contract or obligation made under the laws of this state is invalidated, nor the legal rights of the parties thereto impaired by the absence of stamps, where the paper is otherwise legally executed.

MISCELLANEOUS.

MILO HATCH, Twenty years Cash't Mechanics' Bank, Augusta, Ga.

CHAS. H. PHELPS, Six years Agent and Cashier Southern Express Company

HATCH & PHELPS, Bankers and Brokers, General Purchasing Agents, and U. S. and Foreign Newspaper Advertising Agents, 18 Broad street, and 16 Exchange Place, New York.

REFERENCES—R. H. Lowry, Esq., President Bank of Republic, N. Y.; Josiah Oakes, Esq., Vice President Bank of Commerce, N. Y.; H. Verplanck, Esq., of the Merchants' Bank, N. Y.; Nourse & Brooks, 127 Pearl street, N. Y.; Brooks & Petters, 122 Pearl street, N. Y.; D. D. Brooks, Esq., Editor and Proprietor Rochester Democrat, Rochester, N. Y.; John L. Bunce, Esq., President Phœnix Bank, Hartford, Ct.; James Mills, Esq., Pres't Exchange Bank, Hartford, Ct.; Francis Fellowes & Son, Attorneys at Law, Hartford, Ct.; D. A. Dwight & Co., Boston, Mass.; Alvin Bray, Worcester, Mass.; Thomas T. Metcalf, Esq., Augusta, Ga.; John Davison, Esq., Augusta, Ga.; H. H. Pant, Esq., Pres't Southern Express Co.; R. B. Bullock, Esq., Sup't Southern Ex. Co., Atlanta, Ga.; E. Hulbert, Esq., Sup't Southern Ex. Co., Atlanta, Ga.; Jas. Stuber, Esq., Sup't Southern Ex. Co., Memphis, Tenn.; A. H. Small, Esq., Sup't Southern Ex. Co., New Orleans; and Agents of Express Companies.

jan11 1m.

STARCH GLOSS.

THE most economical article that can be used, costing only about ONE CENT to do the washing of an ordinary sized family.

Gives a fine, ivory-like polish to linen or goods.

Effectually prevents the iron and dust from adhering to the cloth.

Makes old lined look like new.

Goods done up with it keep clean much longer, thereby saving time and labor in washing.

Warranted not to injure the clothes.

Twenty-five cents per cake. Liberal discount to the trade.

IMPERIAL BLUE,

BEST IN THE WORLD.

Soluble in hard as well as soft water.

Warranted not to streak the clothes.

Ten cents per box. Liberal discount to the trade.

Agents wanted everywhere to sell the above articles, to whom we offer extraordinary inducements.

Samples sent, postpaid, on receipt of above prices. Address

NEW YORK STARCH GLOSS CO., jan11 1mdaw No. 218 Fulton St., New York.

NOW READY.

The New Sabbath School Singing Book,

"THE GOLDEN PROMISE"

BY T. E. PERKINS,

Author of "The Sunday School Banner," "The New Shining Star," "The Psalm King," "The Sad or Late," etc.

WE will send a Specimen copy, postpaid, to any address, on receipt of twenty cents. "The Golden Promise" is as follows:

Single copies in paper covers	$ 20
By the 100	25 00
Single copies in board covers	35
By the 100	30 00

Sabbath School Music Free Every Month.

We publish a New Song every month, and give away. Send for a circular to

BROWN & PERKINS, jan21 1m-daw 420 Broome st., N. Y.

STALL'S UNRIVALLED Piano and Furniture Polish.

JUST INTRODUCED, and being adopted by all leading houses in the manufacture of Pianos, Organs, Billiard Tables, and Furniture, etc. Every one who has a Piano should have a bottle of this Polish, as a few drops will suffice, and we will give full particulars and directions. It is put up in bottles at 30 cents and 75 cents, and where half a dozen are ordered at once, we will forward, prepaid, by express. Applications for Territory and Agencies received.

BROWN & PERKINS, General Agents for the United States, jan1 1m-Saw No. 42 Broome St., N. Y.

BROWN & PERKINS,

PUBLISHERS OF

SHEET MUSIC

AND MUSIC BOOKS.

WE would respectfully call the attention of all leading Singing School Teachers to our establishment, where all kinds of Church Music Glee and Anthem Books can be found in the most favorable terms.

The long experience of our Mr. Perkins in musical conventions, Choirs, the Concert room and Sunday schools, enables us to give advice and information on all points of musical interest as to quality, suitability of music for situation, formation of Musical Schools, progress in musical studies, and items of general interest to composers, leaders, teachers and students.

Sheet Music furnished on the usual terms, with promptness and despatch. Country orders solicited, and selections made for pupils, teachers, concerts, &c., &c., &c.

NOW READY:

Will be True to Me	T. E. Perkins. 30 cts.
The Orphan Wanderer	T. E. Perkins. 30 cts.
The Rose Bush	T. E. Perkins. 30 cts.
Fairy of the Wildwood	H. A. Brown. 30 cts.
Memory for Baritone	H. A. Brown. 30 cts.

Any of which will be forwarded by mail on receipt of one dollar. Send for a circular.

BROWN & PERKINS, jan11 1m-daw 420 Broome St., New York City.

BROWN & PERKINS'

Pianos for the People!

420 Broome St., New York.

WE would call the attention of the public to our Four Octave New Scale Pianos, in the following styles:

STYLE "A," 7 octave, Front large round corners, plain case, serpentine bottom, carved legs, straight bottom, bead mouldings and panel desk. $450

STYLE "B," 7 octave, same as style A, with serpentine moulding on panels, carved legs and desk. 500

STYLE "C," 7 octave, Front corners large and full, serpentine bottom, mouldings same as on style B, carved lyre and desk, large carved legs. 550

STYLE "D," 7 octave, Four large round corners, finished inch, mouldings on rim and panels, same outline bottom, carved and full desk, elegant carved fruit legs. 600

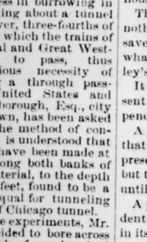
STYLE "E," 7 octave, Same as style D, finished in elegant Rosewood cases, and have the full iron frame, French action, harp pedal, beveled top, ivory Ought Brown & Co. are my agents or attorneys, representing my further interest in the above business.

Send for drawing. JONATHAN S. MITCHELL.

GROVER & BAKER'S

CELEBRATED

Elastic Stitch and Lock Stitch



SEWING MACHINES!

Why Grover & Baker's Machine is Best

1. It is more simple, durable, and less liable to derangement than others.
2. It sews from ordinary spools, and no winding or thread is necessary.
3. It sews with equal facility all fabrics, the most delicate and the heaviest, and with all kinds of thread, silk, cotton, linen.
4. Its seam is so strong and elastic that it never breaks, even on the bias.
5. It fastens both ends of the seam by its own operation.
6. Its seam, though cut at every stitch, remains firm, and neither rips or ravels in its wear.
7. Its seam is more plump and beautiful, and retains its plumpness after wasshing better than any other.
8. It seam can be removed in altering garments, after proper inspection, without picking or injuring them.
9. Wa'ching and varying the tensions upon the threads, necessary in other machines, is unnecessary in this. The tension being once adjusted on the Grover & Baker Machine, any amount of sewing may be done without change.
10. It makes beautiful embroidery without any change or arrangement, simply by inserting threads of suitable sizes and colors for this purpose. It is the only machine that both embroiders and sews perfectly.

The attention of Tailors, Manufacturers of Clothing, Boots and Shoes, Carriage Trimmers, and all others requiring the best and most effective Lock-stitch Machines, is invited to our New Shuttle Machine, especially adapted to Manufacturing purposes.

GROVER & BAKER'S M. CO., dec11 300 Main street.

RARE AND SPLENDID CHANCE!

FOR RENT

The Large and Commodious Store, Nos. 290 and 292 Second Street, corner of Madison, suitable for any kind of business. The Stock of Groceries can be purchased on the most liberal terms. Apply on the premises.

jan8

WATCHES AND DIAMONDS AT COST!

AT NO. 183 MAIN STREET

FINE DIAMONDS, and other carefully and well selected Jewelry, AT COST, until the 1st of January.

Feel constrained to remain in my present location, and will consult their interest by examining the above splendid lot of goods before purchasing elsewhere.

THOS. FENNER. HENRY BENNETT. D. W. BOWMAN.

Fenner, Bennett & Bowman,

Office in the R. E. Lee Block,

NO. 15 UNION STREET.

WILL make advances on COTTON consigned to their house in New York, and forward orders for the purchase of Bagging, Merchandise and Machinery.

Memphis, Nov. 2, 1866 nov2

J. C. HOLST & CO.,

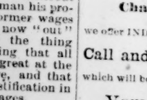
UNDERTAKERS

At the Old Stand,

NO. 329 MAIN STREET

MEMPHIS, TENN

WM. SCHNEIDER,



PRACTICAL GUNSMITH,

42 Washington Street,

DEALER in Guns, Rifles, Pistols, etc., and Gun Materials.

Repairing of all kinds done with neatness

MISCELLANEOUS

OVERTON HOTEL,

Memphis, Tennessee.

WADDELL, STEDMAN & GALLOWAY,

M. W. REID. T. J. REID

REID & BROTHER,

Clothiers and Merchant Tailors,

151-2 JEFFERSON ST., Memphis, Tenn.

318 NORTH FOURTH ST., St. Louis, Mo.

jan11 1m

MISCELLANEOUS.

LATEST FASHIONS!

DEMAND

J. W. BRADLEY'S

DUPLEX ELLIPTIC

(OR DOUBLE SPRING)

SKIRT!

WHICH IS UNIVERSALLY ACKNOWLEDGED by all ladies throughout the length and breadth of the land to be the most PERFECT SKIRT ever offered for sale.

They will not BEND or BREAK like the spring hoops, but will preserve their GRACEFUL OUTLINE when worn. Many unnecessary skirts have been thrown aside as useless for the want of a cheaper article, and their unequaled ELEGANCE and ORIGINAL excellent qualities which adapt them to the WANTS OF THE LADIES has made them a GREAT FAVORITE among fashionable people, and justified all of the leading Fashion Books in pronouncing them

THE STANDARD SKIRT

of the Fashionable World.

FOR SALE by all jobbers and

WEST, BRADLEY & CAREY,

Sole owners of the Patent,

No. 323 Main street, Memphis, Tenn.

Warehouse and Office 92 Chambers and 91 Reade Street, New York.

Inquire for Bradley's paper skirt.

CAUTION.—To guard against IMPOSITION and deception, see that the name CAREY is on DUPLEX have the red ink stamp, W. BRADLEY'S DUPLEX ELLIPTIC SPRING SKIRTS upon the wadding, or they are not genuine. Also, notice that each hoop will admit of being pressed through the center of it, thereby PROVING that there are two springs braided together therein, which is the secret of their superior strength and elasticity, and a combination not possessed by any SINGLE SPRING SKIRT.

NOW READY:

Made in all styles to suit the wearer, viz:

The "Empress Trail," 2¼ yards (latest) for Dress or Promenade Dress.

The Pride of the World, 2¼ yards (latest) for Promenade Dress.

The Queen Trail, 2 yards (latest) for House Dress.

The Tie Tape name of the style will be found on the waistband of the skirt.

LANDS FOR SALE.

Two Valuable Lots of Land for Sale.

THE following two lots of valuable land will be sold cheap, if applied for soon:

1st quarter section—Section 25, township 2, range 12, West Tunica county. Also, immediately on the Mississippi river, just north of the bluffs—below Memphis, well wooded, and cultivated quarter section—Section 21, township 3, range 8, west. Isaacson county. Timber is the heavily timbered with walnut, beech, maple and hickory, and in the immediate vicinity of a sawmill. For particulars apply at Counting Room DAILY APPEAL, No. 13 Madison street.

jan15 1m

Southern Hospital Association.

WE invite attention to the BEAUTIFUL PICTURE published in the Sunday BAZAAR, which will be held in this city in February next.

They consist of some of the most costly and beautiful pieces of SILVER which can be purchased in New York, and CUT GLASS, BRONZES, BOHEMIAN GLASS, fine HOSIERY and many other objects of taste and of substantial value, amounting in all to about

$50,000

Tickets for this Lottery cost ONE DOLLAR EACH, and can be pur